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Coastal Zone
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Proceedings of

ALABAMA PUBLIC MEETING SERIES

ON COASTAL ZONE BOUNDARIES



COASTAL ZONE
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Sea Grant Consortium

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PUBLIC MEETING SERIES ON ALABAMA COASTAL ZONE BOUNDARIES

Mobile and Baldwin Counties, Alabama
November - December, 1975

Alabama Development Office
Montgomery, Alabama
March, 1976

ALABAMA PUBLIC MEETING SERIES ON COASTAL ZONE BOUNDARIES

November - December, 1975

INTERPRETATIONS

by

LUTHER W. HYDE

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CONCLUSIONS

1. Coastal Zone Boundary

There was a wide divergence in opinion as to what should be included within the Alabama coastal zone. Proposals and suggestions ranged from including all of the State within the coastal zone to defining a minimal zone that would include only the offshore waters.

A proposal by the Citizen's Coastal Zone Alliance (CCZA), an alliance of several conservation-oriented groups representing a large number of people encouraged the adoption of a broad coastal area (two counties and portions of four others) based on ecological considerations. Several speakers supported the CCZA proposal. The Mobile Area Chamber of Commerce, representing a large part of the Mobile area business community, proposed that the coastal zone include only the offshore waters and a small area of the Mobile delta. Comments from citizens throughout the meetings generally supported an area between these limits.

Based upon statements, comments and questions by participants in the five public meetings, it is concluded that there is a predominant desire for a minimal coastal area.

2. Other

Though it was not the purpose of these meetings to go beyond a discussion of the coastal zone boundary, several other impressions occurred over and over. As voiced by those in attendance, the public is tired of too much

government regulation, both Federal and State, and they view the coastal zone program, and specifically the permitting activities of the State Act, as added infringement on their private rights. There were many comments regarding the composition of the Coastal Area Board along with suggestions that there should be more local Baldwin and Mobile County representation on the Board and more local involvement in the program.

There is a great deal of misunderstanding and lack of knowledge about the purposes of coastal zone management in Alabama. This lack of knowledge has led to a negative attitude by the public toward the coastal zone program. This can only be overcome by a positively oriented public information and public participation program that involves local citizens in the planning effort.

INTRODUCTION

Five meetings were held in Mobile and Baldwin Counties in November and December, 1975, for the purpose of soliciting public input into the definition of the Alabama coastal zone boundary. These meetings were attended by 409 registered participants.

Each meeting was chaired by a member of the Coastal Area Board and the staff presented three possible coastal zone boundaries for consideration of and comment by the public. Several well thought-out alternative boundary proposals were presented by citizen groups. There was a great deal of active participation by citizens at each meeting. In addition to serving as a forum for developing ideas on the boundary definition, the meetings served as an opportunity to create public awareness of the coastal zone program and as a medium of interchange of ideas on a wide range of coastal zone related topics.

This report summarizes the meetings and attempts to draw general conclusions from the public's comments regarding the coastal zone boundary and related items. Transcripts of meetings are included with only a minor amount of editing.

The Coastal Area Board appreciates the participation of the public in these meetings. Other meetings will be held on other coastal zone topics as the program develops.

SUMMARY OF MEETINGS

Mobile

The Mobile meeting was attended by 117 registered participants. Ten citizens presented prepared statements and 25 citizens made statements or asked questions from the audience.

The Citizen's Coastal Zone Alliance (CCZA) proposed a boundary that would include all of Mobile and Baldwin Counties and parts of Washington, Choctaw, Clarke, and Monroe Counties. The inland boundary would extend to the Jackson Lock and Dam on the Tombigbee River and the Claiborne Lock and Dam on the Alabama River. Six speakers and one letter supported the CCZA proposal. One speaker addressed the need for rapid but reasonable industrial expansion with a balanced program to assure environmental protection. Another speaker spoke in favor of a clean environment but felt the Coastal Zone Management Act of 1972 placed too much power at the Federal level and therefore recommended the adoption of a minimal coastal zone boundary. Another speaker stressed the growth of unnecessary Federal regulation and urged the adoption of the smallest possible coastal zone boundary.

Questions and comments from the audience were strongly against government regulation and the continued infringement upon private property. Several citizens emphasized the desire of a minimal coastal area and some suggested the possible repeal of the Federal and State Coastal Zone Management Acts.

Foley

The Foley meeting was attended by 90 registered participants. Thirty-five citizens participated by giving prepared statements, by asking questions or by making comments.

The CCZA boundary, first proposed at Mobile, was introduced and supported by two speakers. Two other speakers recommended a broad area to assure that all coastal drainage was included within the defined boundary. Several speakers questioned the need for additional regulations and objected to creeping Federal take-over and expressed firm opinions that the boundary should be as small as possible. A contour line boundary was suggested as possibly being the most suitable, and another speaker suggested that the coastal zone boundary should be made compatible with the U.S. Corps of Engineers' area of authority.

Prepared statements were primarily in support of a broad coastal zone, whereas audience comments and questions were principally negative in tone. Many of those in attendance were exposed to the coastal zone management concept for the first time. Many questions were directed toward learning the requirements for a boundary as set out in the State and Federal laws. The general feeling against further regulation - Federal, State, or local - was very strong and generally was the overriding issue in the meeting.

Citronelle

The Citronelle meeting was attended by 18 registered participants. Two citizens addressed the meeting and one question was asked from the audience.

The CCZA boundary proposal was presented. Another speaker pointed out that Citronelle was the highest point in the coastal area from Texas to North Carolina and was the highest town on the Gulf, Mobile and Ohio Railroad between Mobile

and St. Louis, Missouri. He felt that Citronelle, or other similar areas, should not be included within the coastal zone.

There was insufficient participation at the Citronelle meeting to draw any conclusion as to the feeling of local citizens.

Bayou La Batre

The Bayou La Batre meeting was attended by 66 registered participants. Only two prepared statements were presented. The meeting centered around an exchange of information in response to questions and comments from the audience.

The CCZA boundary proposal was presented and supported by one spokesman. Other comments were primarily negative in that they attacked the Federal Government for trying to force land use through the back door, to take away private property rights, and continuing to interfere in local affairs. State government was also condemned for encroachment on private rights. Two speakers advocated taking all of the State into the coastal zone so that all would "suffer equally". The power and makeup of the Coastal Area Board was questioned with the recommendation that it be restructured to have more local representation.

Statements, questions and comments at Bayou La Batre covered a wide range of possible boundaries and strayed far afield from the topic discussion. The citizens were generally negative toward government in general and Federal regulation in particular.

Bay Minette

The Bay Minette meeting was attended by 118 registered participants. Thirteen citizens presented prepared statements and 10 citizens asked questions from the audience.

The Mobile Area Chamber of Commerce submitted a proposed boundary that followed the shoreline along the coast and in Mobile Bay and included a small marshland area of the delta. The Chamber of Commerce also recommended repeal of the State Coastal Zone Act. The CCZA boundary proposal was supported by two speakers with justifications for various areas included within the boundary. The Baldwin County Board of Realtors recommended a coastal zone extending inland 200 feet from mean high water and suggested that the Coastal Area Board become a "clearinghouse" type operation for coordination of permitting and coastal zone coordination. Two speakers urged the adoption of a minimum coastal zone and generally supported the Chamber of Commerce proposal. One speaker suggested the boundary coincide with the "saltwater line" and another proposed the 11.8 feet above mean sea level (100-year flood line) altitude as the inland boundary. Three other speakers presented comments regarding the coastal zone program without making a specific boundary recommendation. Several questions from the audience inquired about various aspects of the program and generally expressed concern over too much permitting and increasing government control.

TRANSCRIPTS OF MEETINGS

Mobile Bay Hilton Inn
Mobile, Alabama
November 18, 1975

AGENDA

Opening Remarks: The Honorable Gary Greenough
Commissioner, City of Mobile
Member, Alabama Coastal Area Board

Introduction: Willis Hyde
State Planning Division
Alabama Development Office

Review of Proposed Boundaries: Gene Cody
State Planning Division
Alabama Development Office

Prepared Statements and Comments by the Public

Questions and Comments from the Audience

Meeting Participants

OPENING REMARKS

Gary A. Greenough
Commissioner, City of Mobile
Member, Alabama Coastal Area Board

There are a few people I would like to introduce: Commissioner Archie M. McMillan of the Baldwin County Commission, a member of the Alabama Coastal Area Board; Hugh Swingle of the Alabama Department of Conservation and Natural Resources, representing Claude Kelley of the Alabama Coastal Area Board; Bill Starnes, State Planning Director, representing Red Bamberg, Director of the Alabama Development Office and Chairman of the Alabama Coastal Area Board; and Tom Joiner, Assistant Oil and Gas Supervisor, representing Dr. Philip LaMoreaux, a member of the Alabama Coastal Area Board. Also here is Reo Kirkland, representing the Lieutenant Governor, Jere Beasley.

In the beginning I would like to make one important point. This is not a formal public hearing. Rather, it is a meeting to discuss some tentatively proposed boundary configurations.

We will outline the general background leading into tonight's meeting. Then we will have a period for comments. We ask that you come to the podium and speak into the microphone so that all may hear. We also ask that you state your name and the organization that you represent. Please try to limit your comments to three minutes.

Having said this, let me add that it is a pleasure to welcome you to Mobile. This is the first in a series of such discussion meetings. Others will be held in Foley, Citronelle, Bayou La Batre, and Bay Minette.

INTRODUCTION

L. Willis Hyde
State Planning Division
Alabama Development Office

Many of you are familiar with the coastal zone management program as it is presently conceived in the State of Alabama while others may not be familiar with it. I will briefly bring you up to date on how we got into coastal zone management, what it is, and what it means to the State of Alabama.

The coastal zone management concept in the United States began in the late 1960's during a period when there was much emphasis on environmental considerations. In that period there were several federally funded comprehensive studies to document the problems of the coastal zone, problems evolving from the tremendous conflicts in uses, tremendous demands for population growth, recreation, industrial development, and many other uses that were competing for that thin zone that we call the coastal zone. Much of the population of the United States, in fact most of the major cities of the United States and in the world, are in the coastal zone. As a result of these federal studies and the recognition of the increasing coastal zone problems, several bills were introduced into the Congress.

The National Coastal Zone Management Act was passed in 1972. This Act has two sections that are of primary interest to us in Alabama and in the coastal states around the country. Section 305 established a three year planning period during which federal funds are available to assist states in developing a comprehensive coastal zone management plan. The coastal states, as defined in this Act, include those bordering on the Atlantic, the Gulf, the Pacific, and the Great Lakes, Hawaii, Alaska, and four U. S. possessions--Puerto Rico, Guam, the Virgin Islands, and American Samoa. There are thirty states and four possessions involved in this program. Section 306 grants are available for implementation of plans that are approved by the Secretary of Commerce.

The State of Alabama became involved in coastal zone management with the passage of Act 1274 in the Regular Session of the 1973 Legislature. This Act established the Alabama Coastal Area Board and assigned the task of developing a Coastal Zone Management Program to the State Planning Division of the Alabama Development Office. As a result of the passage of Act 1274, the State of Alabama initiated a coastal zone management program in early 1974. The State received its first federal funds in June 1974. We are now nearing the half way point in the three year planning process.

Various program elements specified in the State coastal zone management act must be completed before a plan can be approved for receiving implementation funds. One of those elements is the coastal zone boundary. We are here tonight in the first of a series of five meetings to solicit your comments regarding the coastal zone boundary.

The staff of the coastal zone program developed seven boundary proposals which were presented to the Coastal Area Board. The Coastal Area Board has

chosen the three boundaries which we will be discussing tonight as representative of possible areas to be included. There are maps and narratives describing these three boundaries in the packet of information that you received when you registered. The boundary determination is important as it defines the area in which the Coastal Area Board will implement the plan when it is developed. We must determine what the boundary will be and we wish to have your input into that determination. In other words, we are really here tonight to give each of you an opportunity to say what you would like about these three proposals or any other proposals that you may wish to discuss. The Coastal Area Board will consider the reactions from the public, and this will enter into the final formulation of the Alabama coastal zone boundary.

I would like to make one correction to the article which appeared in the Mobile Press Register this past Sunday. The article stated that once a boundary is established, the Board will hold the permitting authority on virtually any type of construction undertaken. This is true in one sense, but is not technically correct. Once we have an approved coastal zone management plan, the Coastal Area Board will become a permitting agency. The boundary definition, however, is only the first in a number of steps before a comprehensive coastal zone plan is developed. Once we have a defined boundary, we will not immediately become a permitting agency.

At this time, I would like Mr. Gene Cody to review the information on the boundary proposals. After that time, we will turn the program back over to Commissioner Greenough for questions or comments from the audience.

REVIEW OF PROPOSED BOUNDARIES

Gene Cody
State Planning Division
Alabama Development Office

Please find in your information packet a memorandum to participants in public meetings on the Alabama coastal zone boundary. Turn over to about midway to the first map, and you can follow along on this presentation. We will not get into complete detail, but we will be sure that everyone understands these proposals.

The first map represents a two county area, Alabama's coastal counties, which are Mobile and Baldwin. One proposal is to incorporate the two counties into the coastal zone of Alabama. On the next page you will see some positive and some negative comments on this particular proposal. Certainly, there are others, but these will help to guide your thinking. Of course, we welcome any other comments on these proposals. Some ideas under the positive side are: (1) Utilizes existing governmental boundaries and thereby simplifies administration. (2) Easily determinable boundary eliminates the need for costly on-the-ground surveys. You would encounter frequent surveyings in a boundary proposal based on contours. (3) Incorporates greater number of critical areas and areas of particular concern than other proposals. (4) Previous technical and socio-economic studies have been compiled on county unit basis and therefore data would be directly useable for planning purposes. In this we have reference to census data, in particular. County census data is prepared based on definitive geographic Census Enumeration Divisions, which are further divided into smaller areas referred to as Census Enumeration Districts. In the case of metropolitan cities, such as Mobile, the city is divided into Census Tracts. There are some 400 bits of information obtainable from the 1970 census data. If we could use this readily available data, we would not have to expend additional planning funds to obtain the same data. (5) Includes areas that will be affected by oil and gas development onshore and offshore and areas to be impacted by the outercontinental shelf oil exploration, pipeline corridors, Ameraport development, and related activities. Two proposed corridors are now under study, one in south Baldwin County and one in south Mobile County, for bringing pipelines ashore. The impact on these areas must certainly be considered. (6) Eliminates possible controversy of some county property owners being included and others excluded from the coastal zone area. (7) Meets requirements on Federal and State coastal zone laws. In fact, it could possibly take in more land than is needed, as you will see from the negative comments.

Some of the negative comments on using the whole two coastal counties as the official coastal zone are: (1) May encompass an area larger than needed to meet requirements of the Federal and State Acts. (2) May cause controversy with upper county property owners who question placing their property in the coastal zone.

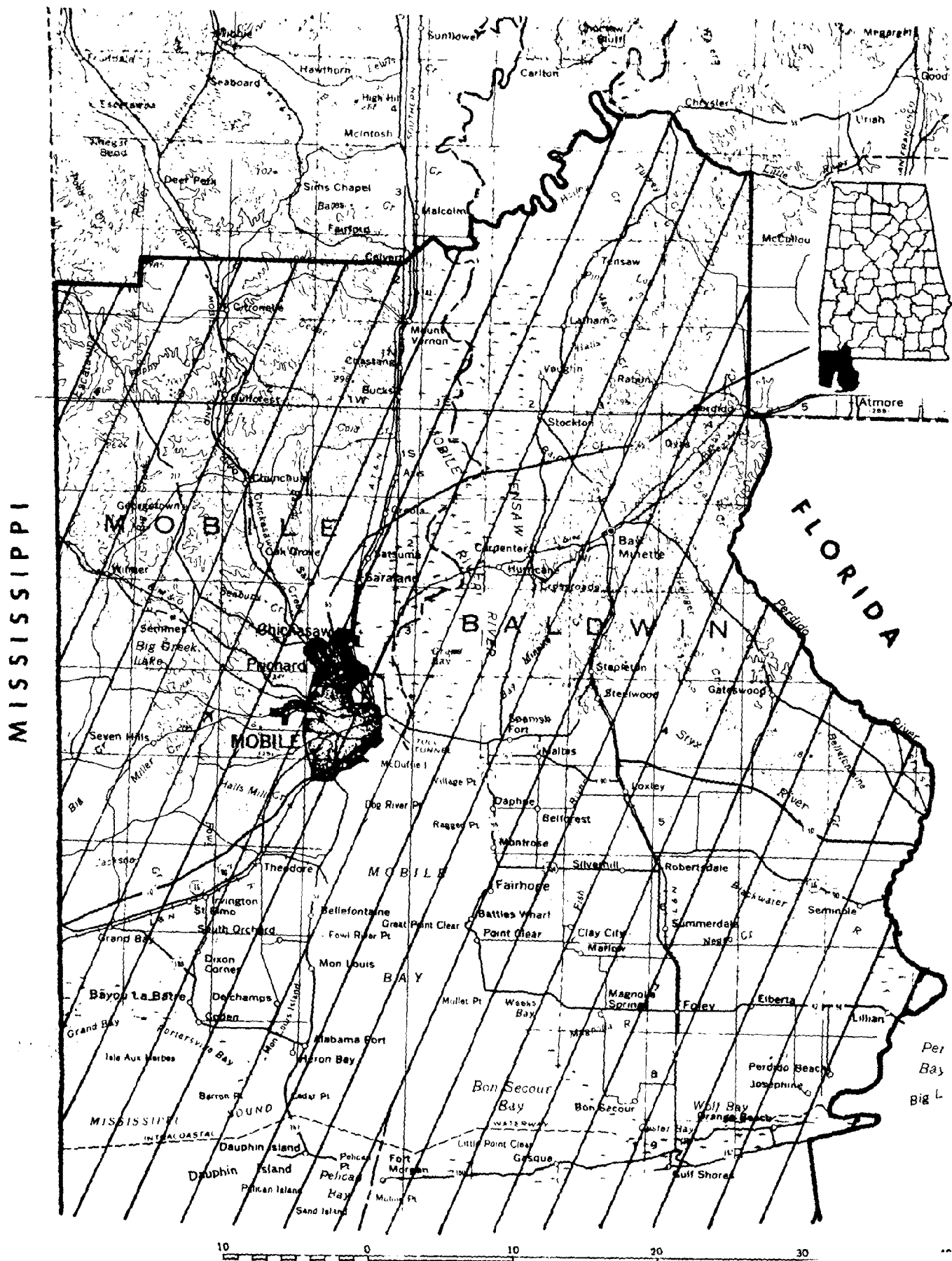
The second boundary proposal is a single boundary line, and it is considerably smaller than the two counties. We call this the Physical Features and Census Enumeration District proposal (Mr. Cody described the boundary using large maps of the counties). This boundary encompasses an area that includes 41 census enumeration districts and 36 census tracts in Mobile.

Now we consider the positive and negative aspects of this proposal. Some of the positive aspects are: (1) Boundary line drawn on manmade or natural features that can be easily identified and located on the ground. (2) Reduces the need for field surveys to determine position of boundary. (3) Keeps management area to minimal size, and thereby allows a smaller administrative staff to oversee the program. This is referring to possible on-site inspections in case of receiving a permit application. (4) Census and socio-economic data tabulated by census enumeration districts would allow direct application of data for planning purposes. (5) Includes land well above 100 year flood line, areas of offshore and delta oil and gas exploration, areas to be impacted by possible outer continental shelf oil and gas exploration, pipeline corridors, Ameraport development, and related activities. (6) Includes wetlands, beaches, and other critical areas and areas of particular concern. In the recent past we have sent a letter to various State and one Federal agency and the regional planning agency in the Mobile area requesting them to help identify these areas of particular concern. We have had good input on this, but further work must be done. (7) Meets the requirements of the Federal and State Acts. On the negative side: (1) Best available physical feature or census enumeration district line does not always coincide with the most desirable coastal zone boundary. It may be too broad or may be too narrow. (2) Does not conform to existing governmental jurisdictions. (3) May not include all areas that will eventually be identified as critical to coastal zone management. (4) May cause some controversy when property on one side of a road or stream is in the coastal zone, while that immediately across the road or stream is not included.

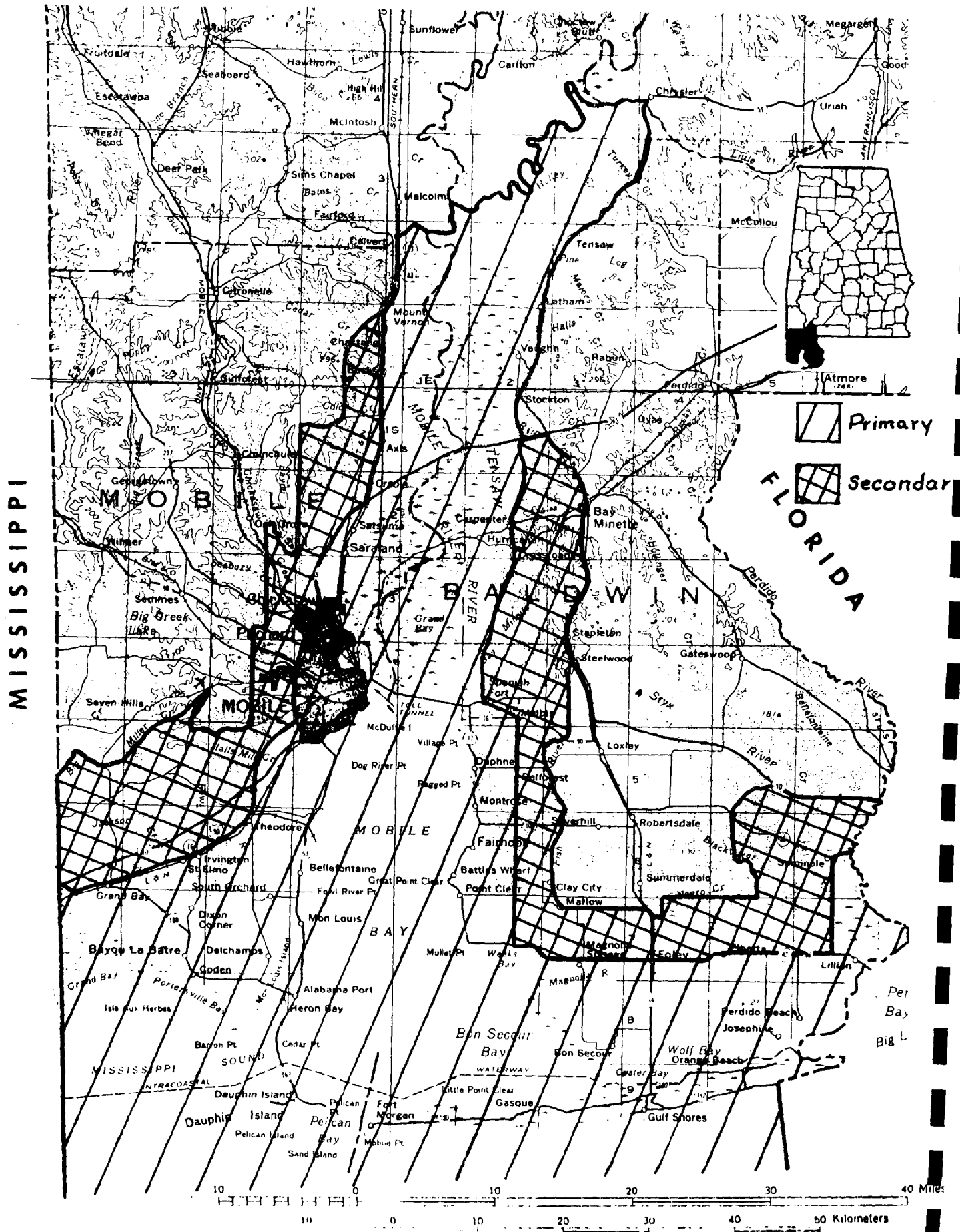
The third boundary proposal that I would like to discuss is a multiple zone type, that is physical features for the primary zone and socio-economic units for the secondary zone. This boundary is outlined in the information packet (Mr. Cody described the boundary using a large map of the counties).

Some positive comments on this boundary proposal are: (1) The multiple boundary provides a means of implementing coastal zone authority over the immediate coastal area, while at the same time, providing an overview and coordination role over a larger area of influence. (2) The primary zone includes land well above the 100 year flood line, areas offshore and delta oil and gas exploration--areas likely to be impacted by possible outer continental shelf oil and gas exploration, pipeline corridors, Ameraport development, and related activities. (3) Includes wetlands and beaches and other critical areas and areas of particular concern. (4) Primary zone is drawn on manmade features that can be easily identified and located on the ground, thereby reducing the need for field surveys. (5) Secondary zone incorporates whole census enumeration districts in which the primary zone falls, thereby allowing the use of data tabulated by census enumeration districts. (6) Secondary zone along census enumeration district boundaries generally coincides with political, cultural, and physical boundaries. (7) Keeps area of management relatively small and thereby allows a small administrative staff to regulate activities.

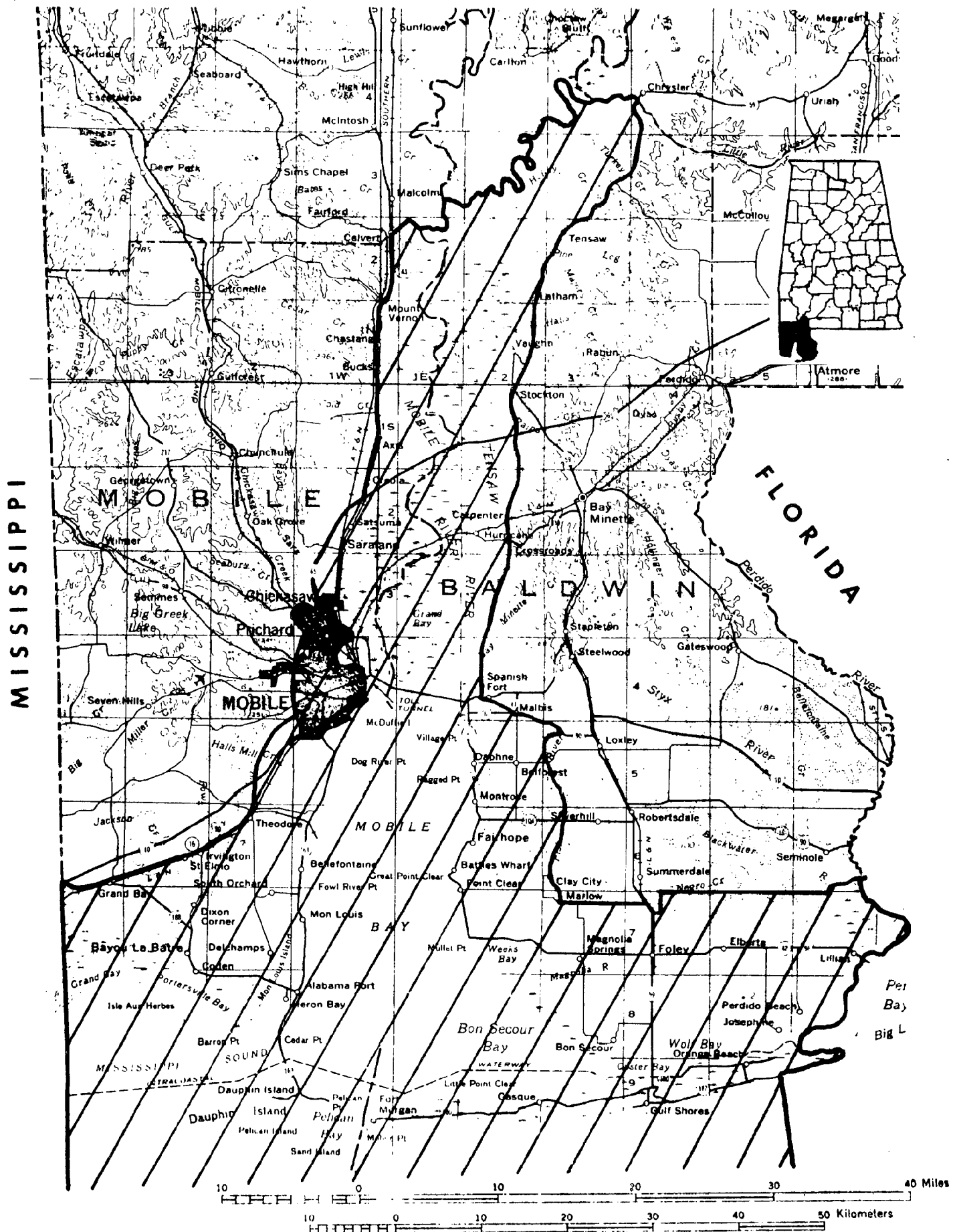
Two County Area ALABAMA'S COASTAL COUNTIES



Physical Features (Primary) and Socioeconomic Units (Secondary) ALABAMA'S COASTAL COUNTIES



Physical Features and Census Enumeration Districts ALABAMA'S COASTAL COUNTIES



(8) By adopting a secondary zone, it allows for possible expansion of the primary zone into areas where coordination already exists. (9) Meets the requirements of the Federal and State coastal zone acts.

Some of the negative aspects of this boundary proposal are: (1) Manmade features upon which primary zone is based are not always best coastal zone boundary and may result in too broad or too narrow zones. (2) Neither primary or secondary zones conform to existing governmental jurisdictions. (3) May not include all areas that will eventually be defined as critical to coastal zone management. (4) May cause some controversy when property on one side of road is in the coastal zone, while that immediately across the road is not in the coastal zone.

This completes my presentation of the three boundary proposals selected by the Alabama Coastal Area Board for your consideration at this public meeting.

Maps showing these three Coastal Area Board proposals have been included on the three preceeding pages (pages 16a, 16b, and 16c).

PREPARED STATEMENTS AND COMMENTS BY THE PUBLIC

Alicia V. Linzey
Citizen's Coastal Zone Alliance

My name is Alicia Linzey. I am here this evening as a spokesperson for a coalition of conservation groups known as the Citizen's Coastal Zone Alliance. This alliance was conceived during a workshop sponsored by the Sierra Club that was held on Dauphin Island during the last weekend in September. At this moment, we represent almost 65,000 people who reside not only in south Alabama, but throughout the State as well as in neighboring states. We fully expect our roster of member organizations to grow still larger in the coming weeks. The Alliance currently consists of the following organizations: The Alabama Conservancy, The Alabama Wildlife Federation, The Mobile County Wildlife and Conservation Association, The Mobile Bay Audubon Society, The Birmingham Audubon Society, The Save Our Bay Club, the Chattahoochee Chapter of the Sierra Club (representing Georgia and Alabama), and the Gulf Coast Regional Conservation Committee of the Sierra Club (representing Florida, Georgia, Alabama, Mississippi, and Louisiana). Our views are also concurred with either fully or in part by a number of other groups, and these groups will independently transmit their thoughts to the Coastal Area Board. This Alliance was put together in order to allow citizens' groups to take full advantage of our rights to participate in all phases of Alabama's coastal zone management program. At one of the early meetings of the Coastal Area Board, one of the Board members, I believe Dr. Upham, suggested that the potential for public involvement here would be so great that the citizens could write their own coastal zone management program if they so desired. We have fully accepted the challenge of that suggestion and we would like to acquaint you with our boundary proposal.

In my efforts to provide the background of our proposal, please bear with me if I cover some of the same points that the Coastal Area Board staff has already addressed. The Coastal Zone Management Act, passed by Congress in 1972, was designed "to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones..." This law provides funding to assist coastal states in the development of management programs for their shorelands and waters. This federal funding may be received for three years, by which time a state must have its management plan drawn up and approved in order to retain eligibility for federal funding for the next step--implementing the management plan.

The most basic, but perhaps the most difficult element of a state's management plan is the identification of the boundaries of the coastal zone of that particular state. The federal law gives little guidance on boundary setting except to state that "coastal zone means the coastal waters... and the adjacent shorelands...and includes transitional and intertidal areas, salt marshes,

wetlands, and beaches... The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters..." and "seaward to the outer limit of the United States territorial sea." The question of what uses of shorelands have both a direct and significant impact on coastal waters has generated considerable discussion, and the way in which a given state answers this question determines to a large extent the definition of the inland boundaries of its coastal zone.

It bears repeating that it is not our purpose just to set a line on a map. That line must minimally take in those shorelands being used in ways that have an effect on coastal waters. For example, industries discharging to coastal waters; forestry and land development practices that result in erosion and siltation; draining, filling, or destruction of swamplands and marshes; oil and gas production in offshore and inshore areas and so on. It must also include areas of particular natural value such as, for example, the Mobile-Tensaw Bottomlands, which has been listed in the National Registry of Natural Landmarks by the U.S. Department of the Interior.

A state, however, may set wider boundaries than those meeting the minimal requirements of the federal law. Within these boundaries, the state must eventually designate uses to which specific areas may be devoted--as for example, which areas are suitable for preservation and which for development.

The federal legislation is implicit in its requirement that the states provide full opportunity for public participation in the establishment of a management plan. It admonishes the states to make a careful and deliberate effort to consult with interested citizens, not only through mandatory public meetings such as this, but also through the mechanism of advisory and review groups.

Alabama's Coastal Zone Management Law was passed 1973, and its stated purposes are closely aligned with those of the federal statute. It established a Coastal Area Board under the aegis of the Alabama Development Office. A noteworthy feature of the Alabama law is that it exempts from regulation any activities relating to the exploration, production, or transportation of oil or gas. Legislation introduced during the current legislative session that would have eliminated this exemption and eventually make the Coastal Area Board independent of the Alabama Development Office failed to pass.

The Alabama Coastal Area Board received federal funding for its first year of operation on 30 June 1974, and thus must have its management plan approved by NOAA (Office of Coastal Zone Management) by 30 June 1977. Among early actions by the Board was the adoption of a preliminary boundary definition for use in applying for federal funding. This preliminary boundary consisted of three "tiers" of elevation, each with a differing degree of management or control. Although boundaries based on contour lines are now thought to be impractical, the "tiered" approach, or setting of different boundaries for differing levels of control, remains valid.

Until very recently, little progress had been made in reaching a definitive boundary line. At the 29 September meeting of the Coastal Area Board, the three proposals that you have already seen were adopted for further consideration. We have studied these tentative proposals to determine their adequacy with the intention of either supporting one of these or drafting a counter proposal. We have chosen the second path, and our proposal is contained in the map and boundary definition that has been distributed. Please bear in mind that the map that you see is the result of the input of all of the member organizations of our Alliance and that it has been fully approved by each of them individually.

In developing our boundary definition several guidelines were used. Because we are a group of citizens for whom environmental concerns are paramount, our most important premise was that the boundary be valid in an ecological sense. Of equal concern was that the boundary be defensible in terms of the federal law and its attendant rules and regulations. Neither have we been unaware of the political and social pressures that hover in the background.

In setting the specific boundary, it soon became apparent that, having considered the above premises, the most workable line would be one that could easily be identified on the ground. A line on a map that cannot be translated into reality without expensive and time consuming surveys will only cause delays in implementing the management plan. For this reason, we have followed the lead of the Coastal Area Board and chosen readily identifiable, man-made and physical features as a means for enclosing natural systems insofar as has been possible. In trying to determine the proper placement of the line, we were guided primarily by natural drainage patterns, considering that rivers, streams and wetlands draining into coastal waters should be a part of the coastal zone. We also took into consideration coastal zone definitions of neighboring states' run-off patterns from agricultural lands, areas serviced by sewage systems that outfall in coastal waterways, and the necessity for including areas of unique natural, cultural, historical and recreational significance.

We are adamant in our feeling that the Coastal Area Board proposals fall short of taking in enough of the coastal watersheds to really control the majority of uses impacting coastal waters. Also, the use of census enumeration districts as boundary lines, although useful and convenient from several viewpoints, is meaningless unless these districts can be aligned with natural systems. Specifically, these boundaries do not take in areas from which there are or shortly will be direct sewage outfall to coastal waters. Neither would they control uses affecting two of south Alabama's most valuable recreational streams, the Escatawpa River in Mobile County and the Styx River in Baldwin County. Legislation that would bring the Escatawpa into the National Wild and Scenic Rivers System is currently pending in Congress, and both the Escatawpa and the Styx have been designated by the State of Alabama as candidates for wild, scenic, and recreational rivers status in a potential state program. Also, rules and regulations (15 CFR 923.13) attendant to the federal legislation outline eight areas of "particular concern", with the requirement that a state include these areas within its coastal zone even though their uses may not directly affect coastal waters. Among these eight areas of particular concern are at least two that speak to this particular situation: Number 1 which cites areas of unique natural habitat or scenic importance and Number 3, areas of substantial recreational value and/or opportunity. We suspect that many interests would like to adopt a boundary that includes even less of Alabama's coastal area than any of the Board proposals. It should be clear to you, however, that the adoption of a narrower zone would defeat the purposes of the federal and state legislation and, therefore, be unapprovable.

We find partial concurrence with the Coastal Area Board proposal that takes in the entire two county area, but only if this area is to be designated as having the highest or primary level of control under the Board's current definitions. However, we part company with the Board when we reach the Mobile-Baldwin County line, and our boundary extends northward along the Alabama and Tombigbee Rivers to the extent minimally necessary to control impacts on coastal waters. Saying that our coastal zone is restricted to the two coastal counties may be a convenient political decision, but this stance makes little sense from a

natural viewpoint because the Alabama River forms the northern boundary of Baldwin County. In essence, the Coastal Area Board is saying that they claim control over lands and waters south of the river, but are not interested in what happens on the north bank of the river. Since uses on both sides impact the same water, this position is untenable. When you consider such things as the locations of present and planned industries, impacts directly and indirectly resulting from the proposed Tennessee-Tombigbee Waterway, proposed oil and gas activities, and so on, it becomes obvious that we must go farther north in order to exercise some control over the future of our coastal area. The locks and dams on the Tombigbee and Alabama Rivers provide the ideal northern terminus of our coastal zone, not only because the tidal influence terminates here, but also because these sites provide a convenient, identifiable boundary. You might also be interested to know that the area between the rivers is replete with archeological remains of early Alabamians, which gives it significance as "an area of particular concern" under the federal regulations, specifically as an area of historical significance and cultural value. I will not go over with you every inch of our map, because you and the Board members have been given a detailed boundary description. I would reiterate, however, that we are proposing our entire area as a primary control area and that we have selected those identifiable man-made and physical features which conform to natural systems and patterns of shoreland use that impact coastal waters, as well as taking into consideration areas of particular concern as outlined in federal regulations.

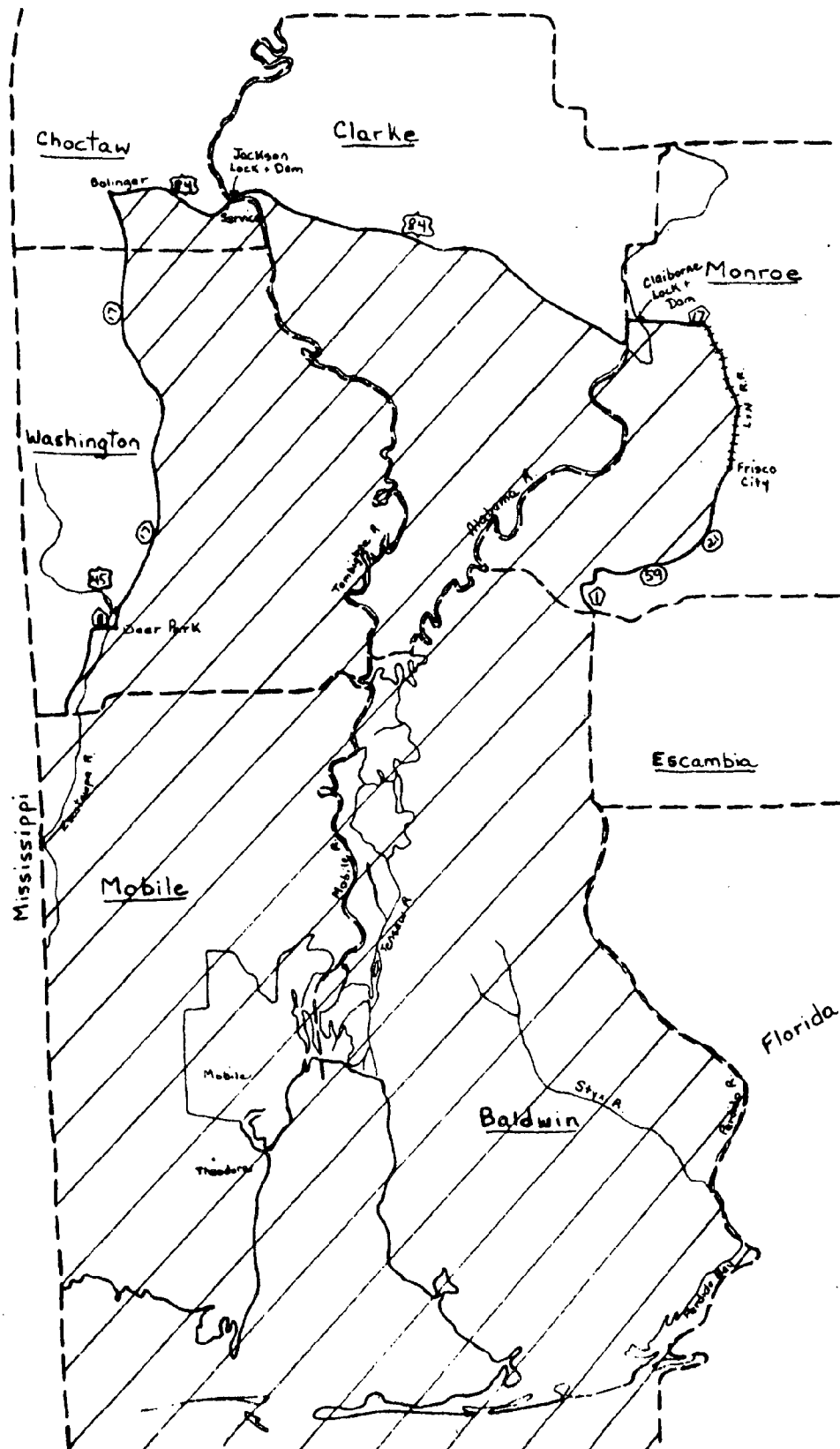
Let me comment on the matter of tiered, or differing levels of control. Although we have designated our entire area as having a primary level of control, we are not opposed to the concept of differing levels of control for different areas of the coastal zone. However, the current Board stance is to define a secondary zone as an area of no control and subject only to coordination with other state agencies. This is in contrast to their original definition of secondary, which called for control over uses that affect the primary area. We recognize that some areas within our boundary could reasonably be subject to a level of control less than a primary level, but not under current definitions being used by the Board.

I hope that all of the Board members and all of you here tonight will recognize the effort expended by the individuals involved in the Citizen's Coastal Zone Alliance. We have volunteered our time in a serious and sincere attempt to help ensure the wise use of our state's coastal area and we are willing to work with the Coastal Area Board in the coming months as they progress toward a final boundary definition and management program.

Alabama's Coastal Zone - A Boundary Definition Proposal

All of Mobile and Baldwin Counties including waters in Mobile Bay and the Gulf of Mexico out to the State's three mile limit; then commencing on the west at the Mobile-Washington County line; east to the western edge of the floodplain of the Escatawpa River; north along the edge of the floodplain to county road 8; east on county road 8 (southside of highway) to Deer Park; northwest on U.S. 45 (eastside of highway) to U.S. 84 at Bolinger; east on U.S. 84 (southside of highway) to the town of Service; north to the south bank of the Tombigbee River; northeast to the Jackson Lock and Dam; east and southeast along the north bank of the Tombigbee River to U.S. 84; southeast on U.S. 84 (southside of highway) to the western edge of the floodplain to a point due west of the

Claiborne Lock and Dam; due east to county road 17; southeast on county road 17 (southside of road) to L&N Railroad; south on L&N Railroad (westside of R.R.) to state road 59; west on state road 59 (northside of road) to county road 1; south on county road 1 (westside of road) to the Baldwin-Escambia County line.



Dr. E. Bruce Trickey
Chairman, Economic Development Committee
Mobile United

My name is Dr. E. Bruce Trickey, and I am Chairman of the Economic Development Committee of Mobile United. I'm just a little bit surprised to be up here tonight, because I thought I was going to have an easy time and listen to the proposals of the Coastal Area Board. The work our committee is doing is connected so closely, I think, with what the Coastal Area Board is doing, that I couldn't refrain from sharing where we are with this group here tonight.

In the Economic Development Committee of Mobile United, over a year ago we started work on the consideration of where Mobile should be in the future, in ten years, and where we are now. We recognize there isn't too much we can do about that. In order to get a handle on the problem we have to think in terms of the immediacy, and look ahead. When we looked ahead, we could see, as so many of us know, there is an expectation of a very rapid industrial expansion. This very rapid industrial expansion led to concern on our parts for protection of wildlife in the area for the future. These two things sometimes are not mutually compatible and have to be adjusted to get a reasonable balance between the two. So the question we pose for ourselves is, how do we protect the wildlife values for the people of coastal Alabama, and at the same time, how do we allow for reasonable industrial development compatible with this wildlife?

Our position is that we want both. We want the wildlife, and we also want to see industry developed for all the good things that come from that. One year of study in this committee has resulted in a consensus of opinion which we expressed in terms of a description of boundaries in a map, rather similar to these discussed tonight, but with a different viewpoint. There is, of course, no perfect answer. Everything that we propose has to be compromised. What we did was to take maps similar to these and decide where the industry expansion would very likely happen. As far as we can see, industry will try to expand between Jackson and Mobile on this side of the river and on the other side of the river on the high ground. We set aside on our map an area which would be open to industry to expand. On the other hand, we also drew boundaries which would outline wildlife areas, which would extend from Jackson to Mobile, essentially the floodplain areas. These would be set aside for the protection of wildlife. We also drew areas which would outline where future commercial developments and residential and recreational areas would be located.

I am sorry that I did not bring that chart with me tonight. If I had known that I would be up here, I would have brought it. However, I could not refrain from this opportunity to share with you where we are. I will provide the Coastal Area Board with a copy of our ideas as to what these boundaries should be. We think that any plan that is agreed upon should accomplish the objectives that I have outlined. That is, we should allow for reasonable, rapid expansion of industry, but it should be done in a way which is balanced to protect the wildlife values in which Mobile places so much store.

Marisa Gardner

Ladies and gentlemen, my name is Marisa Gardner. I live at 111 Idlewood Drive in Chickasaw. I am a contented housewife and mother, and also a dedicated church worker. My life has been changed drastically by the announcement of a planned petroleum refinery in the floodplain of Mobile, upwind from my home. This change, this announcement, has been very meaningful for me. It has afforded me the opportunity to learn how governments work, or rather it has opened my eyes to the bureaucratic form of government which we live under.

I have been disturbed by the large number of local, state and federal regulatory agencies who do not act in concert to implement a national program of environmental preservation and land use. I am concerned about the degradation of the environment in industrial areas, such as Chickasaw, where by necessity, by economics, and by priority large segments of our population reside and work at established firms.

I have followed the Coastal Area Board from meeting to meeting. Now the time, I feel, has come to carry on the intent of the law. Wise planning must be the key work. However, planning without action is down-right irresponsible.

It is important that we realize that we have the responsibility individually and collectively to preserve our natural resources for future generations. Our soil is eroding at the rate of four billion tons per year. The displaced soil, or sediment, is the largest water pollutant we have by volume. The Mississippi River alone deposits more than 500 million tons of soil and rock fragments into the Gulf of Mexico each year.

Let us be ready for the Tennessee-Tombigbee Waterway. Let us be aware that the planned channelization will increase flooding in the delta. If promoted developments occur adjacent to the waterway, greater losses will result with future floods. I support the plan which was presented by Mrs. Alicia Linzey and the Citizens' Coastal Zone Alliance. Thank you very much.

Claude W. Arnold.

My name is Claude Arnold, and I live in Fairhope. I am not speaking for a large organization. I am speaking for myself. The first thing I would like to say is that I would like to see the red line (smallest area on map) become the coastal zone boundary, if we can't make it any smaller. I would like to remark that you can always expand it. Let's expand it when we can't put it off any longer.

In 1953 I graduated from the University of Alabama, after having specialized in sanitary engineering in city planning. All of the city planning textbooks originate in New York City. In 1943 I visited New York City as part of the United States Navy. I was riding a PT boat, and I am one of the few people here, I imagine, who had a personal acquaintance with Jack Kennedy, one of the things I am very proud of. I went back to New York in 1969 anticipating seeing marvelous improvements as a result of the dedicated work of the planners who had been working there through these last twenty years. Would you believe that I saw houses that had been declared for human habitation in 1905, and that is a long time ago, still standing and still being inhabited by human beings? This kind of thing, ladies and gentlemen, represents another effort of our planners, and planner is another word for regulator, and regulator is another word for governor.

Governors do not contribute to production, they tend to limit it. We need more producers. We need a lot of producers. This is another effort of government to implement the national land use planning that so far Congress has succeeded in not passing. Who is going to pay for it? I submit that this kind of a plan is unconstitutional. It seizes private property. We tell people they can keep their land just so long as they do with it what the government wants them to. Thank you. I'll be back for another meeting.

Nancy Garret
Environmental Quality Committee
The League of Women Voters of Mobile

The League of Women Voters of Mobile endorses the concept of delineating the boundaries to enclose, when feasible, natural watersheds of our coastal area. We feel it is important to draw the northern boundary of the official coastal zone at the Jackson Lock and Dam on the Tombigbee River and the Claiborne Lock and Dam on the Alabama River, since county lines are arbitrary and do not consider natural systems. In general, we support the proposal of the Citizen's Coastal Zone Alliance and respectfully urge your study and consideration of this proposal.

Myrt Jones
President, The Mobile Bay Audubon Society

I am Myrt Jones, President of the Mobile Bay Audubon Society. Mrs. Alicia Linzey of the Citizen's Coastal Zone Alliance presented her alternative proposal for the designation of the coastal zone of Alabama before the Board members of the Mobile Bay Audubon Society, and the plan was unanimously accepted.

It is imperative that industry, municipalities, promoters of industry and citizens support this proposal of the Citizen's Alliance in order to properly maintain a balanced ecosystem. If too narrow or inadequate a coastal zone boundary is accepted, then the coastal area will not be an all around environment, but could become degraded and be just one big cesspool, not fit for humans or marine organisms.

Our coastal zone is too valuable for us to continue to deal with it in a haphazard and uncoordinated fashion. Anyone on the Corps of Engineers public mailing lists realize that there is inadequate land use planning along our waterways, especially in conjunction with the proposed increase in the traffic projected with the Tenn-Tom Waterway and the industrialization that is accompanying it. There has been a "dragging of feet" from this Board, and little or no support has been given it by local or state officials in trying to better the situation.

Mr. Sage Lyons of the Chamber of Commerce commented that all interested in this coastal area should work together. I make this suggestion to him, when

is he going to get started on this idea? We have been stating for several years that in order to accomplish a balance, the Chamber of Commerce, Alabama Development Office, and the local and state organizations pushing for industry should let us, the citizens, know what they are up to? These groups seem to believe secrecy is the best policy, and we do not realize what is happening until an industry has been placed in our floodplains, such as a refinery, submerged leases are given in our Bay, and a few other surprises, such as industries that aren't wanted in other states get the "open door" policy here in Mobile.

Little consideration is given for the impact these dirty industries will have on our already stressed air and water environment. Many of these industries should be settled out of the coastal zone and dispersed to other less crowded areas with less of an impact.

Lay people need to be involved. They don't have to have technical competence, just a little common sense that is shown lacking in many proposals and decisions in this area, and they also need a great deal of interest and should be able to comment on what they think is important. If we are on top of things from the beginning and given an opportunity to help in policy and decision making, there would be less confusion, maybe less distrust of government, less opposition and more of a constructive relationship in this coastal area.

The concern for the future of our coast should reach and include a broad cross section of our society. It is only through the understanding, full cooperation and participation of all of the affected groups that we will be successful in developing a rational and effective approach for coastal zone management in Alabama. Adopting this broad Citizen's Alliance proposed boundary is the first step.

As our Congress stated in the Coastal Zone Management Act of 1972, "The coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation." Considerably more than one-half of the U. S. population lives within fifty miles of the coast. By the year 2000, this will rise to more than eighty percent. It will be a challenge of major proportions to conserve and enhance our vital resources with the many forces competing for them, such as conservation, recreation, residential needs and food production, as well as private and public industrial development.

Rene Dubos remarked that man must find at the coast some awareness of nature and there experience its divine mysteries. Man ceases to be a man when the sea and the sky are no longer a part of his spirit. Without them, man becomes a cosmic outlaw, having neither the completeness and integrity of the animal nor the birthright of true humanity. Thank you.

Verda Horne
Chairman for Environmental Quality, Alabama League of Women Voters
Board Member, Alabama Conservancy

Members of the Coastal Area Board and friends, I am Verda Horne, a resident of Baldwin County, and I live within a mile and one half of the shoreline. I have lived in the coastal area within a few miles of that coast for the past

38 years, and have made biological observations in several of the areas. I speak as a resident and as Chairman for Environmental Quality for the Alabama League of Women Voters, and as a member of the Board of the Alabama Conservancy. In all these capacities, I concur completely with the Citizen's Coastal Zone Alliance, which indeed is an outgrowth of the symposium of citizen and coastal agency representatives which met to study coastal problems and opportunities in April of this year at Dauphin Island and again in September.

Our first such studies, that is speaking for the League of Women Voters, preceded the National Coastal Zone Management Act by several years, when the National Water Pollution Control Administration awarded the National League a grant to convene a four-state symposium on coastal zone problems early in 1970. Our studies have continued as have our legislative support for both the national law and the state law under which we are operating. We have attended all sessions of the Alabama Coastal Area Board, except those held in Montgomery, in an effort to continue to observe the accomplishments and problems of the Board. Our recent citizen symposiums were made more valuable by the participation of many Legislators from the Atlantic coastal zone states, as well as regional administrators of the Department of Commerce.

The objectives of the comprehensive laws are not to prohibit development as you will note if you read those laws. They are rather to provide a mechanism by which the competing interests and users and uses can be considered by citizens who are directly involved, that is, by those who live on or near the coast, and by those who live a distance from the coast, fishermen, shippers, farmers and businessmen. As we consider the concern for these many people, we realize that boundaries are indeed necessary. As some people have suggested, we will find that the true coastal boundaries are the continental divide, which might make it a little difficult.

Let me speak then of only one aspect at this particular time that I came across as I was asked to serve on a review board, a citizen's review board for NOAA, which was preparing the National Seafood Fisheries Plan. Two of the statements they made are these: Multiple uses of the coastal areas can balance socio-economic needs including those for food and for recreation. As examples, prudent site selection and design of industrial plants can greatly reduce their impact on living marine resources. Proper treatment of municipal and industrial wastes can improve degraded habitats. Restricting the use of wetlands to activities which are water dependent can minimize use conflicts. Legislation already exists to accomplish many of these management actions. However, one of the goals of pollution control amendments of 1972 is restoration of water quality, which provides for the protection and propagation of fish, shellfish, wildlife and provides for recreation in and on and near the water. The removal of some development can insure that these fisheries habitats will be restored and renewed. I won't go any further, but I will speak at greater length, I hope, at the next meeting. Thank you.

Helen Stafford
Environmental Quality Chairman
League of Women Voters of Baldwin County

I am Helen Stafford, a resident of the Eastern Shore of Mobile Bay, and I live at Battles Wharf, Fairhope post office. Along with my neighbors, I am vitally interested in the quality of the water in the Bay and the Gulf of Mexico.

We are gratified that the Federal and State Governments are making the regulation of our coastline activity possible through the Coastal Zone Management Acts, and we are concerned that this planning include enough land area to control runoff into the waters of the Bay and Gulf.

Baldwin County has three dominant industries, seafood, agriculture, and tourism, all of which can be drastically affected by the work of the Coastal Area Board. Seafood depends on the preservation of our estuaries which act as the spawning grounds for much of our sea life and on the restriction of the pollutants in the water; agriculture depends on the preservation of our good soil and the control of runoff and erosion; tourism depends on the preservation of our dwindling beaches and clean salt and fresh water. I therefore urge that planning for coastal zone management include enough of the water entering our coastal areas that they be protected from erosion and pollution.

As the Environmental Quality Chairman of the League of Women Voters of Baldwin County, I wish to state that our League, as part of the state organization, is in agreement with the policy stated by Mrs. Horne, representing the League of Women Voters of Alabama. We urge the inclusion of an expanded area in your planning.

I should like to read a letter from Mrs. Jason Kutack, President of the League of Women Voters of Baldwin County, to the Coastal Area Board regarding our position on the boundaries for coastal management:

The Board and members of the Baldwin County League of Women Voters in setting the proposed boundaries of the coastal zone believe that the counties of Monroe, Clarke, and Washington should be extended an invitation to work with the Alabama Coastal Area Board in developing the boundaries for coastal zone planning. We feel that these counties, which have a sizeable area along the Tombigbee and Alabama Rivers, could well be included in the planning phase of a coastal zone boundary definition. It does not seem logical to have the boundary stop at the south shore of the Alabama River and ignore the north shore of this river.

Mrs. Albert Nonkes.

I am Mrs. Nonkes. My husband and I have lived in Fairhope for four years. We like Fairhope very much because it is a very beautiful coastal area. It breaks our hearts that this area is not going to be developed properly, and if our air and water become polluted. This brings me to a point made by this gentleman from Fairhope, who is opposed to the Coastal Zone Management Act because of private property rights. Does this gentleman, who lives in the United States, realize he lives in a democratic country? I don't mean a communistic or socialistic country, but a democratic country, where we all are supposed to have the good of many other people at heart. The good of other people would indicate that we protect the many lands that these private property owners own, especially those which are situated in the wetlands. If they would

like to get money out of this land, why not go on through Section 312 of Estuaries? They could work together with the Federal Government and see what could be done so that the estuaries become sanctuaries. They could sell to the Government or to the state.

We could then go further and use these wetlands for creating natural field laboratories to gather data for natural and human processes. I think that would be a very bright and beautiful idea, instead of you saying, "Well, I want an oil well out there, I want my money out of there, and I don't give a damn about anybody else." I think that is all I have to say for now. Thank you.

David Roberts

My name is David Roberts. I am speaking as an individual. I have been sitting back there listening with interest to the observations of the ecologist and the environmentalist, and I can't say that I disagree with any of their objectives. However, I think that as a result of the exposure that I have had to land use controls and the dangers of land use controls at the national level, that I would be remiss were I not to express an opinion, even though it is not prepared.

I'm afraid that we overlook the basic danger in land use controls when it is administered from the federal level. The problem is the same old problem of the camel getting his nose under the tent, and I fear that the federal statutes that provide funding for the coastal zone management committees merely provide an entree of more complete land use control to the area. For that reason, I favor the position of my friend, the gentleman on my left, who expressed his position in that perhaps we should take this thing by degrees. I also favor the position that was expressed by Dr. Trickey, that we should try to work out some kind of a program where the environmental protection of the area can be made compatible with the planned economic growth of the area.

The big problem that occurs in the implementation of federal statutes is that the agencies that are given the authority to promulgate the regulations usually overstep the intent of Congress. I think we found this to be the case in so many instances.

In reading this law, there is no way that you can expect your local government, you as a voter or a citizen, your city, your county, or the state even to have ultimate control over what is done with the land in south Alabama. This law, if you will read it, is replete with comments such as: Such a plan must be approved by the Secretary of Commerce. This plan cannot be implemented until all of its ramifications have been thoroughly examined. No funding will be made available to the agency involved unless the plan is approved. The plan cannot be modified unless the modifications are approved. If you think for a moment that such approval is going to be forthwith merely upon application by local government, you don't know too much about the operation of the federal bureaucracies.

I am in favor of clean air. I am in favor of clean water. And I am in favor of the preservation of the environment. But in my opinion, this kind of legislation and its implementation should be taken in small degrees and one step at a time. Thank you.

QUESTIONS AND COMMENTS FROM THE AUDIENCE

Barbara Klass: Which zone or boundary best regulates offshore drilling, referring particularly to Dauphin Island?

Gary Greenough: I would presume that the correct answer to that would be all of them. They will all regulate the same.

Larry Merrihew: Why is it that all proposals meet state and federal coastal zone acts' requirements and each proposal has a negative side in that they may not meet existing governmental jurisdictions?

Greenough: The simple answer to that is that the boundaries of, for instance the City of Mobile, do not always conform with the boundaries drawn here. That is the point, I think.

Martha Broadus: Has any decision been made with reference to upstate areas and other states' contribution to pollution of area waters?

Greenough: Technically, no, not yet. That will come later in the management program.

O. L. Adams: What is the estimated cost of administering the program?

Greenough: A simple answer is that it is obviously impossible to estimate that at this date. Until we have set a boundary and moved further into the program, we cannot tell. I am sure, however, like other governmental costs it will be astronomical.

Julius E. Marx: Is erosion control contemplated?

Greenough: Certainly.

Name not known: When approval is received and the Board becomes a permitting agency, does this eliminate agencies such as the Alabama Water Improvement Commission, U. S. Army Corps of Engineers, and the Environmental Protection Agency?

Greenough: The answer is no. It will be a parallel permitting procedure. We have already had some Board discussions about how to avoid making this thing worse than it already is. I don't know if any of you are familiar with the permitting nightmare that we have now.

Name not known: Why would anyone oppose being in a coastal area?

Greenough: Well, that is as old as the question of zoning. Some folks just don't like it. I think we have one speaker who sort of enunciated that point.

Judy McConnell: I am Mrs. Judy McConnell from Irvington. I read in the newspaper Sunday about the meeting tonight. I am not aware of the Acts, but I just know that they were passed in 1972 by Congress and in 1973 by the State

Legislature. As I read the article in Sunday's newspaper, I was greatly disturbed. We have a small farm in Irvington. When I saw that it might be bounded and that the coastal zone might take in all of Mobile and Baldwin Counties, I was concerned. I am afraid if a line was drawn, we might be put out of business. I'm serious about this. When the government extends funds to any board or any organization and takes away the rights of private individuals, then I will not be able to control my farm. I think that we should repeal the acts.

Now I know a little knowledge is dangerous, and I guess I've lost my mind over this one thing. What little bit I have heard tonight, like areas being set aside for wildlife or recreation or industry, is a wonderful idea. I am all for the good things, but I am also for my own individual rights. If they are going to be taken away, if I am not going to be able to control my own home, or if it is going to be controlled by somebody else, then pretty soon everybody that knows more than I do will say I'm not going to do a good job in raising my children, so they will do that job for me. Do you see my point? I do not see where our rights can be put aside as private property owners for a land use act. You will take all that away from us. If I am wrong, I would like you to comment on that. I don't understand.

Greenough: Your position is very well articulated as the answer to the question, why would anyone want to oppose zoning?

Judy McConnell: It is not zoning. I don't feel it is zoning. I think it is, like the man said, land use. It is taking my land from me, and that is my right. The lady was wrong in saying we are a democracy, rather we are a republic. I am saying that when control of what we own is taken by the state, that is, I believe, socialism. Now when the state owns and when the state controls, that is communism. I own mine, and I will control mine.

Greenough: Thank you.

Name not known: I notice that the permit activities are going to require double and triple paperwork. In the State Act, I can't find out what the permit activities are. I would suspect that the landowner for whom that good lady just stood up for, myself, and a lot of others here in this room would like to know. If I was to put a half acre fish pond on a twenty acre plot, would this be a permit activity? Would we be subjected to put in this tremendous amount of whatever you call it on page 8 (of the State Act)? This would then be sent out to all of these various people on page 10 (of the State Act). I (the paperwork) multiplies. I don't see in this big Act what the permit activity is.

Greenough: For those of you who couldn't hear, he is commenting about what a permitting activity would be or what activities would have to be permitted generally. That, I think, is what we will have to decide and define in our management plan. I really can't give you a more specific answer on that. We recognize exactly the problem that you are talking about. As we have mentioned earlier, we have had some discussions about it at several Board meetings.

I, personally, am extremely concerned that a citizen who would want to make some small improvement on his property would have to be subjected to expensive and time consuming procedures. Just as a private citizen (perhaps, I shouldn't say this from the chair), we are about "governmented" to death, in my opinion. The only thing that is saving us is that we aren't getting all we are paying for. Seriously, if you look at the statistics, it is rapidly becoming a very serious problem in this country. We recognize that. On the other hand, we must somehow try to balance the preservation of the environment.

Name not known: Do you know of any zoning in the United States that is done on a voting basis? Is this the first example of where land use control is made?

Greenough: For those of you who are not aware, the man who is asking me that question is the Senior Assistant City Attorney of the City of Mobile. He has set me up as a strawman again. He knows good and well that I don't know of any such zoning. The question was, do I know of any land use planning, in a sense, zoning (zoning is really the implementing tool, or the zoning ordinance is the implementing tool, of the land use plan) where there is not voting. I would have to say, and I cannot say this authoritatively, but I would presume that the answer would be no. I know that there is none in Alabama. This is a departure from the practice of the past. That is correct. It is a very good point, and I think it gives rise to the statement of the lady back there and other statements that have been made.

Name not known: But this plan is not mandatory. We do not have to join in.

Greenough: As I understand it, if we don't do our own plan, it is going to be done for us.

Name not known: The Act doesn't say that. It says that if you don't do it, you don't get the funds.

Greenough: Ok, now, we are not going to get out of control here, folks.

Name not known: Without knowing what a permitted activity would be, how can you describe what boundaries you should have? It seems like one is relevant to the other.

Greenough: You are right, it is a chicken and egg situation. That is why this is perhaps the most important, and still the most difficult, procedure to go through, that of defining the boundaries. There are some obvious permitting procedures that we could all think of. There are some subtleties, I am sure, that we will encounter later. The basic answer though has to be both the letter and the speak of the law, whatever those things mean. That is the only answer that I can give you. That is the case.

M. L. Hall: My name is M. L. Hall. I would like to observe that I, as a citizen of Baldwin County and the United States, personally am sick and tired of being governed not by law, but by regulations and by unelected officials. This, precisely, is what we have here.

You made a comment that if we didn't do it, then the Federal Government would. The National Act says in Section 303 that its purpose is to preserve, protect, develop and, where possible, restore and enhance the resources of the nation's coastal zone for this and proceeding generations. I fully agree with that policy. It says that it is to encourage and assist the states. In other words, it is to make possible grants.

I would like to direct a question now. Is it not true, and you ladies who are in favor of this should pay attention, that the purpose of this agency is to allow the development of an offshore oil loading facility? Was that not the stated purpose that Senator Owen directed or introduced to the State bill?

Greenough: To my knowledge that is not true. When the Congress of the United States, in its deliberations, passes and promulgates a law, it's the law of the land. It may not be popular, but that's not the question. The Congress of the United States enacted this law, and I'll guarantee you that if we don't do something about it, they're going to come right down here and do it for us. You can bet on that.

W. R. McElroy: My name is W.R. McElroy, and I'm Vice President of the Mobile Area Chamber of Commerce, in charge of the Transportation Council. I am not here tonight to deliver any opinion nor statement on behalf of the Chamber of Commerce. But the Chamber of Commerce will, at the proper time before you complete this series of hearings, present a statement in full of its position on this entire affair. Forget about the Chamber of Commerce, because they would probably kick me off the Board if they heard what I was going to say now. I am going to speak now as plain, old W. R. McElroy, a private citizen.

For the first time, I believe, I have a feeling for what the poor people are going through. Sometimes you see in the paper where they've been put out of their home and their furniture has been stacked on the cement out front. I understand how they feel tonight, because I feel I have been dispossessed by these wonderful women who want to protect this environment. And I fully agree with them that this environment should be protected.

I happen to own property in Baldwin County, Mobile County, and Washington County, but it looks like it is all going down the drain to me if we follow what is being suggested by these good ladies here tonight. It seems to me that we're completely oblivious to the old American principle of private property. If we're going to have to submit on a piecemeal basis, maybe we ought to just turn over our property to the Federal Government or the state government or the county government and just let them handle it the best way they see fit. Because as I see it now, there's not much future hope for private property in this country if we don't watch this thing and take it in very small degrees and see where we go from here. Let's don't jump in here and try to take in the whole Baldwin, Washington, and Mobile Counties. Let's take in the minimum possible to meet the federal standards and try to work and see where this thing goes. A lot of you ladies may find out that this thing is not what you thought it was in the beginning. Thank you.

Greenough: Thank you: Now, I'll tell you the purpose of our being here this evening was for you to address the Board and present your positions. We're not going to go any further in the debate. I hope I don't offend anybody, but that's just the way it's going to be. Does anyone else want to ask a question or make a statement?

Name not known: I'd like to ask a question. Will the Board be receiving written statements on positions, and if so, what will be the cutoff date for receiving them?

Greenough: We will be receiving them. As of now, there is no cutoff date. I presume that in the not too distant future, once we start the official public hearings, then we will have a cutoff date. That will be made available to you, but until you are notified of a cutoff date, there is none.

Alicia Linzey: I'd just like to clarify something for you. I think that some of you think that our proposed boundary lines represent a preservation line. This is a line by which zoning for various purposes will be accomplished, not just to protect the wildlife, but also zoning for industry, zoning for development, etc. This is not a preservation line.

Greenough: Thank you. It is a point well taken.

Carol Walding: I'm Carol Walding from Mobile and I have a question that I think might clear up some of this confusion. I am under the impression that, basically, the Coastal Area Board is a coordinator of all types of activities, and they don't really have a lot of controls. Is this true?

Greenough: I think that is a reasonably correct premise. I would tend to agree with you. At least, that is my perception of it.

Name not known: It's my impression that most of you on the Board are elected, are you?

Greenough: No, ma'm, that's not correct. There are actually three elected members of the Board: Commissioner Haas of the Mobile County Commission, Commissioner McMillan of the Baldwin County Commission, and myself.

Name not known: Then the others are appointed?

Greenough: That is true by virtue of the office they hold. They are the heads of major state departments.

Name not known: You don't have any particular intention of taking private property?

Greenough: No, to be perfectly candid with you, I have an overriding concern from my responsibility in the City of Mobile. We have a large planning staff, all sorts of zoning and subdivisions, etc., that we are working on. Frankly, any sort of boundaries we have that can potentially foul us up, waste our time, confuse us, and so forth, I want to avoid. I think I have a responsibility to try to avoid that. Any other questions?

Name not known: I'd like to know, and I think we'd all like to know, how much control and what the limit of control would be? Is there some way you can tell use the limit of control?

Greenough: Does anybody have a definite answer for that? I don't think we can really tell at this point. Let me try to outline the sequence of events in lay language as best I can. We must first adopt a set of boundaries and then develop a management plan. In the development of that plan, many policy options will be considered and eventually decided. These policy options will probably set up categories, like the City of Mobile zoning orders, where certain uses are permitted in a particular zone. Then there would certainly be appellate procedures. But the basic point that I want to make is that we are, in essence, talking about some form of review and either direct or indirect control through a permitting procedure. It seems reasonably clear that that is the intent of the law. Whether desirable or not, in your point of view, that does appear to be the intent of the law.

Name not known: Gary, I seem to presume that the State of Washington did not include anything in their official zone that did not have to be included. They have put in that which meets the standards, and that is two hundred feet from the shoreline. Have you all considered such a standard here in the primary zone?

Greenough: Yes.

Name not known: And you have discarded it?

Greenough: No, we have not discarded any particular boundary configuration. We narrowed it down to these three out of seven, because they roughly illustrate the type of configuration that we wanted the public's response to. This, I think, is where we are right now.

Name not known: How can the public possibly give an intelligent response if they don't know what the permit activities are? If you can't dig a garden (if that's a permit activity), then two hundred feet from the shoreline would be very reasonable. The public has no idea of what the permit activities are. The State

Act makes it clear you can't do anything that is a permit activity unless you have an extensive application and it is approved after a public hearing, newspaper publication, etc. You and I are familiar with what all of that means. Without knowing what the permit activities are, how in the world can you intelligently determine where the lines should be?

Greenough: I don't know, I'm no historian, but it sounds to me like we're going to drift back to the Hamilton Debate. That's the question that's as old as American Government. I have a note here from Bill Moore that he'd like to make a statement.

William F. Moore: Good evening, ladies and gentlemen. I'm Bill Moore and I'm a good guy and a bad guy. I'm here representing myself. I was one of the co-authors of the Coastal Area Act of Alabama in 1973 and also a co-author of the amendment introduced by Senators L.W. "Red" Noonan and Dick Owen and the amendment introduced by Representative Douglas Johnstone in 1975. In considering definitions and what the coastal area might entail, I'd like to call your attention to Public Law 92-583 on page two.

We have discussed some of the boundaries and possibilities, but let's take a look at what the Federal Act contemplates as far as the coastal zone. It says the coastal zone means the coastal waters, including the lands therein and thereunder, and the adjacent shorelands, including the waters therein and thereunder, strongly influenced by each other and in proximity to the shorelines of the several coastal states. It includes transitional and intertidal areas, salt marshes, wetlands and beaches. The zone extends in the Great Lakes to the international boundary between the United States and Canada and in other areas, seaward to the outer limits of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the use of which have a direct and significant impact on coastal waters. Boundary considerations must consider this definition.

I have no comment on these boundary proposals put forth here tonight. However, I think we might all stop and realize that if we attempt to do through the Coastal Area Board what we have not been able to accomplish through existing Boards and with existing laws, we're probably out in left field in the tall grass. In Section 303 of the Act, it charges us to give full consideration to ecological, cultural, historic and aesthetic values, as well as the need for economic development. I don't think we can overlook any one of these things just because it suits our purpose. Thank you sir.

Greenough: Thank you. I appreciate your pointing that out, in particular, because we were just talking about that.

Are there any other questions? It's certainly been a pleasure, and we surely appreciate the cooperation of all of you interested citizens.

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AGENDA

Opening Remarks: Dr. Philip E. LaMoreaux
State Geologist, Geological Survey of Alabama
Member, Alabama Coastal Area Board

Introduction: Willis Hyde (not included in text)

Review of Proposed Boundaries: Gene Cody (not included in text)

Questions by the Audience

Statements and Comments by the Public

Conference Participants

OPENING REMARKS

Dr. Philip E. LaMoreaux
State Geologist, Geological Survey of Alabama
Member, Alabama Coastal Area Board

We are going to start the meeting with a few introductions of some people involved so that you will know the names of the players, at least. Most of us here at the table are county, city or state employees of one type or another. My name is Phil LaMoreaux and I'm State Geologist and Oil and Gas Supervisor for the State. In that capacity, the Governor appointed me a member of the Coastal Area Board. The people that we have here at the front table are either members of or alternates for the Coastal Area Board. To my right is Bill Starnes, representing Mr. Red Bamberg who is Director of the Alabama Development Office and Chairman of the Coastal Area Board. Next to him is Dr. Walter Tatum of the Alabama Department of Conservation and Natural Resources. He is representing Claude Kelley, the Director of that Department. Immediately to my right is Willis Hyde, who is with the Alabama Development Office and is the man responsible for getting the work done in connection with the Alabama Coastal Area Board. On my left is Dr. Sid Upham, a member of the Board, who is Director of the Marine Environmental Sciences Consortium. Over here is Archie McMillan, our Baldwin County Commissioner, a member of the Board. I would also like to introduce Gene Cody, who is a staff member who works with Mr. Hyde.

Before we begin this meeting, this is not a formal public hearing. It is really an opportunity for people, who are interested and concerned, to get together and discuss some views on the proposed boundaries for the coastal zone of Alabama. We are going to start by having a short presentation on the history, the evolution and development, of coastal zone management. I think some of you have done a lot of homework and reading and know pretty much what is involved in coastal zone management legislation. So that we can start out together, I'll have Willis Hyde present to you this historical background.

You will then have an opportunity to make some statements or ask questions. Because we are limited in the amount of time that we have together tonight, we cannot have someone monopolizing a great deal of time or we would be here until after midnight. This will not be your last opportunity. There will be a lot of meetings in the future related to coastal zone management and the activities of the Coastal Area Board. There are going to be a lot of opportunities for you to present your ideas. Keep in mind that we are talking about boundaries tonight. We would like to have your comments. Therefore, I am going to have to run a tight meeting and limit statements to about three minutes per person and not over five minutes.

In your folders there is a card to fill out regarding your desire to make a statement or ask a question. Someone at the back of the room will pick these up. We'll take those and use them as a guide to call on people for statements. To make anything work in government (I know since I have spent over 30 years in either Federal or State Government, as well as being a citizen) it is necessary to try to organize your thoughts and present them precisely and briefly.

We appreciate and welcome you here at this meeting tonight and would urge you to participate. With that, I'll ask Willis Hyde to start off with a brief presentation to give you some background of why we're here and something about the Coastal Area Board.

QUESTIONS FROM THE AUDIENCE

Dr. Philip LaMoreaux: We have an idea of three different boundaries that will be considered for discussion. There are probably as many boundaries that could be developed as there are people who are thinking about the problem, and the problem is a complex one. Many things have to be considered in regards to the final assignment of a boundary. Everyone is certainly not going to be happy with the outcome of the final boundary.

First on the agenda, we have allowed some time for questions. I have already received these cards that have been sent forward with some questions. Any others that you have, send them across to Mr. Cody and we will try to answer them.

I do not know how many of you have had the opportunity until this evening to read the Alabama Law, Act Number 1274. For those who have not, the first section of it describes the purpose of the Act, which is to promote, improve, and safeguard the lands and waters located in the coastal area. The second section is state policy, which is directed to preserve, protect, develop, and, if possible, to restore and enhance the resources that are in the coastal area. The third is a list of definitions so that we know what we are talking about. Mr. Hyde has already given you one of those definitions relating to coastal waters. The fourth section is a listing of things that do not apply. Section five is the composition and appointments. Section six is development of the program by the Board, and that is where we actually are right now in our discussion tonight. Part A under this section is the identification of the boundaries of the coastal area subject to any program that might be developed. Mr. Hyde, will you come forward now and handle these questions?

J.R. Diamond: I have a three part question. (1) What happens if no plan is adopted? (2) Will the entire program be dropped? (3) Will the Federal Government take over the program?

Hyde: I went over this briefly in the material that I presented earlier. Let me elaborate on that to answer this question. There are two sections in the Federal Act that relate to what happens if no plan is adopted. The Federal Act, Section 305, established a three year planning period for developing a plan and federal funds are available on a 1/3-2/3 matching ratio during that period. At the end of that planning period, if the State of Alabama has developed a comprehensive plan that has been approved by the Governor and has been submitted to the Department of Commerce and approved by the Secretary, the State would then be eligible to participate in Section 306 of the coastal zone management program. That section provides federal funds for implementing the program. The answer to the question is, if no plan is adopted at the end of three years, we have gone through a planning program and that is what we will have--some planning documents.

I suppose the answer to the last question, what happens then, is the coastal zone management program would be terminated. There is also a simple answer to the second question, would the entire program be dropped, and that answer is yes.

In the third question, a more complex answer is involved. Will the Federal Government take over the program? According to the federal law, there is no provision for the Federal Government to take over and implement a coastal zone management plan. However, I think experience has taught us all that if we, at the state and local governmental levels, do not deal with our own problems, then the Federal Government is likely to deal with them for us. This is not written into the law, and it may never be written into the law. But I offer the comment that there is a possibility that it might happen.

Name not known: Referring to Section 3 (a), coastal waters, how do your maps fit this definition?

Hyde: As defined here, coastal area means the coastal waters, including the lands therein and thereunder and adjacent shorelands including the waters therein and thereunder, strongly influenced by each other and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limits of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control the shorelines, their uses of which have a direct and significant impact on the coastal waters.

In the case of the proposed map covering the entire counties, does it go too far? The question of the others is, does it go far enough? These are things that we can determine only by having input from you and that is why we are here. We want to find out what you think. There are certain technical things that must be included, such as the marshes, beaches and wetlands. We feel that from the way we interpret the Federal Act right now, the proposed boundaries probably include an area large enough to include those things. There are many questions that can be asked, and the first one usually is why do you stop the boundary at the northern county lines? We could have taken the boundary all the way up to the headwaters of the Tombigbee and Alabama Rivers, because those waters have a direct and significant impact on the coastal zone. However, from a practical standpoint, you must terminate the boundary somewhere. From an administrative standpoint, it is much easier to implement if you adopt an existing recognized line. Granted, this is not a good ecological line, and technically there are many reasons that you can discount on that basis.

Hal Schneider: How far inland are these boundaries supposed to go? It seems you contradict the three mile limit from the coast.

Hyde: The three mile limit extends seaward, now landward. I answered the first half of the question, how far inland the boundary is supposed to go, in the previous question. The boundary is supposed to go inland as far as we, we being the people that are responsible for developing the program and you the citizens, determine that there is a direct and significant impact on the coastal waters.

Verda Horne: Since the alternate proposal, identified as the Citizen's Alliance Boundary Proposal, has been introduced and is supported by a large number of organizations, could you present it in the same general terms as the previous three plans?

Hyde: I think that would be fair, and I have a copy of it here. Would you like to present this proposal, Mrs. Horne?

Verda Horne: No, you go ahead.

Hyde: This is a boundary proposal, and those of you who have the material from the Mobile meeting have a copy of it. I will read the first part to let you know who it represented. It was presented by Alicia Linzey. Ms. Linzey was acting as a spokesperson for a coalition of conservation groups known as the Citizen's Coastal Zone Alliance. This Alliance was conceived during a workshop sponsored by the Sierra Club that was held at Dauphin Island during the last week in September. Quoting from the proposal:

At this moment, we represent almost 65,000 people who reside not only in south Alabama, but throughout the state as well as in neighboring states. We fully expect our roster of member organizations to grow still larger in the coming weeks. The alliance currently consists of the following organizations: The Alabama Conservancy, The Alabama Wildlife Federation, Mobile County Wildlife and Conservation Association, Mobile Bay Audubon Society, Birmingham Audubon Society, Save Our Bay Club, Chattahoochee Chapter of the Sierra Club representing Alabama and Georgia, and the Gulf Coast Regional Conservation Committee representing Florida, Georgia, Alabama, Mississippi, and Louisiana. Our views are also concurring either fully or in part by a number of other groups, and these groups will independently transmit their thoughts to the Coastal Area Board.

The Alliance was put together to allow citizen's groups to take full advantage of our rights to participate in all phases of the Alabama coastal zone management program. At one of the early meetings of the Coastal Area Board, one of the members, I believe Dr. Upham, suggested that the potential for public involvement here would be so great that the citizens could write their own coastal zone program if they so desired. We have fully accepted the challenge of that suggestion and would like to acquaint you with our boundary proposal.

I will not go on to read this. Ms. Linzey, in coordinating this, has documented very well the activities that have taken place at the federal and state scene. One comment here that I have noted previously is that the Alliance is adamant in their feeling that the Coastal Area Board falls short of taking in enough of the coastal watersheds to really control the majority of uses impacting coastal waters. Generally, this boundary proposal goes further up the river and takes in the drainage areas draining into the Tombigbee and Alabama Rivers as far north as the Jackson Lock and Dam on the Tombigbee and the Claiborne Lock and Dam on the Alabama River. A description of the area is attached to the proposal. Is that an adequate description, Mrs. Horne?

Verda Horne: Would you care to criticize that the same way with the positive and negative?

Hyde: No, I am not prepared to do that.

Roland Walker: I would like to say that if you plan to do any dredging or pier building or what not, now you have to get so many permits that it seems almost impossible when you start to do a job. Is this coastal zone program supposed to take care of that and make it more comprehensive or complete?

Hyde: It is specified in the state law that the Coastal Area Board will be a permitting agency. It also states that the Board will only become a permitting agency once it has an approved coastal zone plan. The Coastal Area Board realizes the tremendous, complex problem that permitting has become and we realize that you must obtain permits from the Corps of Engineers, Water Improvement Commission, Air Pollution Control Commission, Department of Conservation, and others. What the Coastal Area Board would like to do, but we do not know how at the present, is to expedite this permitting process somewhat, possibly to act as a clearing house. How the mechanics of that would work, I would not begin to guess. There is legislation now in Congress that would revise the Coastal Zone Management Act. One of the amendments to that, introduced by Representative Treen from Louisiana, would give the state the option of taking over the Corps of Engineers permitting process, once it has an approved coastal zone plan and has the technical capability. I do not know if the states would want to take it over, since that is a bag of worms the Corps would probably like to get rid of. The permitting problem is recognized. We have not solved it.

M.L. Aust: If this is not a public, formal hearing, how then is the public mind to be served in this matter?

Hyde: The difference in this meeting, which is informal, and a formal public hearing is that we are asking for your comments on three proposals that we have presented or on any others that may be proposed. Eventually, after we have the opportunity to get your comments and to have a feeling for what the people in Baldwin and Mobile Counties would like, we are required by the federal guidelines to have public hearings. At that time we will present a coastal zone boundary that the Board is considering for adoption, and the public will again have an opportunity to respond. Right now, we are really throwing out ideas to spur your thinking and to solicit your comments.

Hattie L. Smith: What will coastal zone management regulate that is not already regulated by existing agencies, such as EPA, AWIC, and so forth?

Hyde: I am not quite sure of the answer to that question. The coastal zone management program is trying to put these things together. We are trying to develop a plan that will allow a scheme for developing the coastal area and preserving the environment at the same time. What we would like to do is direct, insofar as possible, the best uses for the coastal area. I am not sure what all we would regulate, but I would hope that it would not be significantly more than is already regulated.

Gene Cody: Willis, you might add that other federal programs will be a part of this plan and will be incorporated within it.

Hyde: There is one feature in the coastal zone act that is unique to federal legislation. This is the federal consistency policy. It states that once a state has an approved coastal zone plan, all of the federal agencies will comply with the plan. What it will mean if it is tested in court nobody knows, because no plan has been adopted. This is one of the things that encourages the states to participate in coastal zone management. It is a way of having some control over the federal activities in the coastal zone. Alabama, of course, does not have a tremendous amount of federal development in the coastal area, but some states do. Florida, for example, has many miles of coastline tied up in military bases and other things. This is a big factor.

N. W. Gamble: Will the citizens of Mobile and Baldwin Counties be allowed to vote on this in any way?

Hyde: I do not believe there are any plans to have a vote on it. You should work through your local Legislators. Many of the local Legislators have been very much involved in this program. When the Act was passed in 1973, it appointed a Board that is supposed to represent the Governor and the local elected officials.

N.W. Gamble: WE have no chance to vote for or against it then?

Hyde: As far as a formal referendum, I do not believe so. That is why we are trying to get some opinions now. We want your vote tonight, whatever it may be.

Bob Griffiths: I want to know what this means to agriculture in Mobile and Baldwin Counties? How is it going to involve us when we get ready to go out and plow our ground or whatever we decide to do to our dirt? Are you going to come along and tell me I cannot plow it, or what? What does it mean? I do not understand.

Hyde: Tonight we are considering a boundary, and, of course, agricultural lands that would come in the defined coastal area would be a part of the coastal zone program. I do not believe it says anything in the Act about any restrictions on agricultural developments.

Dr. Sidney Upham: That is right. Do not look at this Coastal Area Board as a thing that is going to come along and tell you that you cannot do this or you cannot do that. This is not what we are here for. What we are here for is to help keep the coastal zone, and have it grow in an intelligent manner. We are going to help. We are not going to hinder. Does that help you a little?

Bob Griffiths: That helps a little, yes.

Hyde: We realize you would like a black and white, pin-point answer, and we cannot give you that, because we are formulating a program right now. It is difficult for us to answer these questions, and we are being as candid with you as we can.

Clarence C. Horton: All through your presentation you have made a point of the negative aspects of certain plans, such as saying there might be controversy between a property owner who would be included against on who would be excluded. It seems to me that you indicate the person who was the property owner in the coastal zone management area would be disadvantaged. Therefore, as a representative of the people of Alabama, would it not be in your own best interest and that of those people you represent to try to draw up the smallest possible zone which would comply with the federal law?

Hyde: I think you have stated an opinion. I do not know if there is an answer to it. What we want to do is determine what is the minimum area. Whatever we can determine as the minimum area, there are going to be some people who are going to be included who would like to be out, and there are going to be those who are excluded that would like to be in.

Clarence C. Horton: I cannot imagine anybody who would like to be in. The property owners in this zone will certainly be disadvantaged.

Upham: He will not be disadvantaged. He will be advantaged. Actually, the person who is going to be in the coastal zone, as defined by this Board, eventually will have an advantage of having a Board who is going to work through the county and city political systems. People, we are going to help you regulate your own coastal zone. That is what we are here for is to help. That is not being done now. This was proven by Congress when they took a two year study all over the United States with the best scientists they could find. They found that

the coastal areas of the United States are not being tended to the way they should. If we do not tend to them, we are going to lose them. What we are trying to do is not lose them, because we all like the coastal area, including myself. That is why I am here.

Clarence C. Horton: I do not want to belabor the point at all, but again I do make the point that when you present things as a negative aspect, you always list the possible controversy between those who would be included and those who would be excluded. So I think you must feel that the man in the coastal zone is disadvantaged. He will be restricted as to what he can and cannot do.

LaMoreaux: I would agree with Mr. Hyde that your statement should be entered into the record as to how you feel regarding the definition of the boundaries. I would point out that the Board as it is constituted would give you as a citizen, your county commission and your local officers an opportunity to voice your feelings regarding any development in the coastal area. For example, I do not think any of us would like to see a paper mill go into Gulf Shores. That would not be good coastal management in my opinion. Likewise, there are places you would not want to put an oil refinery or develop a pipeline corridor. This Board, again, would give you the forum to object to that kind of thing. There are many acres of wetlands that are fragile and that should not be disturbed if we retain something of the unique and interesting environment that we have in coastal Alabama. The Board gives you a forum to protect that kind of thing. That is really what these gentlemen are saying. Let us not confuse why we are here. You have a Federal Act and you have a State Act and there is nothing that we can do about that right at this minute. If you do not like those, then your objective should be to go to your Congressman, Senator, or Legislators, and have them change the acts. That is the only way you can change it.

Clarence C. Horton: I would just like to say something. The only thing I proposed was that we try to keep the zone as small as we can.

LaMoreaux: I would agree there, too. That is why we are presenting some alternatives--to get a feel for your opinions before we even get to the point of formal hearings. This is an opportunity for you to get across to us, the members of the Board, your feelings about these things. The point that the coastal zone be restricted to the smallest area is one point that should be made. Others feel quite contrary. Some of the environmentalists are concerned about the area above the delta, the flood plain, and the valleys of the Tombigbee and Alabama Rivers. Others would like to carry it inland to the point where tidal effects cease, which would take you up to Jackson and Clark Counties. Some would like to take it all the way up further to, perhaps, Tuscaloosa which is still in a flood plain area. Obviously, as Mr. Hyde pointed out, we are limited by the economics and the practicality of administering the area as to how much we can include. What we do want, through the Board's action, is to try to get your voice into the definition of the boundaries, and then eventually into some coastal management and planning, so that we can preserve what we have here in coastal Alabama.

STATEMENTS AND COMMENTS BY THE PUBLIC

George P. Kaiser: I am a farmer and landowner here. From what I have heard, we do not know exactly how we are going to be affected by this, so I cannot help but agree with Mr. Horton (minimum boundary). Not knowing what we are going to get into, I believe that we should keep these lines to a bare minimum. If they are beneficial, I am sure that everyone will want to extend these lines, but if we go too far and get ill feelings from everyone, I am just wondering if we are not going to do a lot more damage than good.

LaMoreaux: This is a good, constructive statement, and this is what we want to hear. We appreciate that.

Jean Kutack: I am President of the Baldwin County League of Women Voters. I simply want to make the statement at this time that we are advocating the Citizen's Alliance proposal. The reason we are doing this is that in the very beginning of coastal zone management, the National League of Women Voters started, throughout the whole country, an indepth study of coastal zone management. There was a federal grant given to the National Board. It was studied in great detail. Then at the state level several years ago we started an indepth study in Alabama concerning coastal zone management. After having studied it for so many years by so many diligent and sincere women, we believe in the National coastal zone management law. We believe in the State's coastal zone management law. We believe that we are on the planet earth. We are not isolationists any longer. We believe in the whole coastal zone management program, and furthermore, we particularly believe in the last proposal, which is that of the Citizen's Coastal Zone Alliance.

Verda Horne: Like Mrs. Kutack, I live on the Gulf Coast and have lived here for forty years, within or on it actually, but that is not my concern. I am concerned that this kind of law was passed by our neighbors and by other legislatures along both the Atlantic and Pacific Oceans. Now it was not done in Washington. It was done by these representatives, particularly Senator Earnest Hollings, who saw what was happening by irresponsible treatment of the coast of his state. It has been damaged. It is not that he wants to stop development. Senator Hollings is as intent as we are on getting jobs for people, but he is also worried about food and fiber. He did not want to lose their sports fishing industry, and he did not want to lose their residential areas.

Remember more than half of all of the 213 million of us now live within 50 miles of the coast. This is growing greatly. We expect 75% of all Americans will be living on the coastal fringe by 1980, and this is pretty close. It means that we have to decide where we are to do what things. That means some way that you who have homes and businesses on the Gulf Coast ought to have some fair assumption that you can go on having your home protected, having your business protected where it is. It also means that industry, when it moves into the coastal area to use those resources which are invaluable to them, will know ahead of time where they can locate and under what conditions and under what

restrictions. I think they deserve this just as the residents and home owners and farmers deserve to know what they can do and under what kind of conditions and restrictions.

It is because of that, that we are banking on an inclusive plan, not a hard plan that cannot be changed. If you will read the law, the law assures you that all of these boundaries can be modified as the need arises. I do not think there is a single soul on the Coastal Area Board that wants to go out and tell you that today you cannot plow your land, tomorrow you cannot raise chickens, and next week you cannot milk your cows. This is ridiculous. They will tell you this if this is what you wish and this is what you prefer. They will tell you they are trying their best to carry out the law that was passed with your cooperation. I do want to say that it is in the law that these men have to prove that they have sought and received citizen participation.

M.L. Aust: My mentally prepared statement has all been blown. I may ad lib a little bit. I am in the engineering and survey business, and I have some comments that do not seem like they are at first sight in relation to boundaries. However, I would like to sum it up later if I get it all together.

One of the supporting factors for these boundaries was that if we could limit them to geographical features, we could eliminate the need for costly surveys. I would take exception to that. Anybody who is going to develop within any of the areas is going to require a survey at his own expense. At that time he is going to establish horizontal and vertical control or he is either within or out of a section. He is north of a line or south of a line. He knows where he is. He is either above or below a contour. Therefore, he should be able to determine whether he is within the zone or out of the zone. This is no expense to the taxpayer or to the Board.

The other comments that I would take exception to in relation to these boundaries is that we include any future Ameraport or any oil or gas exploration within these boundaries. These activities and particularly the Ameraport are excluded by law. Therefore, that is not a valid argument for the boundary. In relation to what the Act says, a regulated activity is involved in the following activities: dredging, excavating or moving soil, mud, sand, gravel, flora, fauna, or aggregate of any kind from any coastal area. I would say that technically this does not exclude farming. I read it nowhere in the state or federal law that this activity would be excluded. The coastal area, or the coastal zone, is what we are about. Therefore, if we set the coastal zone to include a farm and if this act does regulate that farm, then he is regulated.

Let me make my position perfectly clear. I am for preservation of the coastal waters. I think this is a necessary thing. I think that we have had many, many abuses. I am not originally from Baldwin County, but I am from Mississippi. We do not have coastal waters in north Mississippi, but we have the Mississippi River, which is dirty enough. When I came to Baldwin County in 1960 you could see the bottom of Mobile Bay at four or five feet. You can no longer do that. You may get a skin disease if you swim in Mobile Bay. I believe that we should take action to prevent this thing from becoming worse, and if possible, turn it around and bring it back the other way. However, I think that the citizens of Alabama, and particularly the citizens of Mobile and Baldwin Counties, should do this.

Let me bring out one more point. The federal and state acts say that the shorelines will be regulated only, and I emphasize that word, to the extent necessary to control shorelines. We will set these boundaries only to that extent. I think the key to the Alabama law is the fact that the Secretary of

of Commerce is authorized to make annual grants of federal money. We all know what happened to our schools. We took federal money and we no longer have a school system. We have an awful lot of private schools, but we seem to have something less than what was desired in our public schools. We have busing, which was a great controversy, all because of federal money. Here we go again. The management program, as defined in the federal law, includes objective policies and standards to guide public and private uses of land. What I am saying to you is that this federal law here is a land use regulatory law. This is not necessarily true of the state law, since I do not believe our Legislature wanted a land use regulatory law. But this is what they have got, because the federal law all through refers to land use programs.

The Board here, and I recognize the intent of you members of the Board, wants a good coastal zone management program. But, gentlemen, you are not going to have that because the Secretary of Commerce is going to regulate what you do in your own management program. Therefore, let me direct you to Sections 305 and 306, in particular Part 2, of the federal law. This means that if we decide from a regional standpoint that we want a park here somewhere, that this would not restrict that. Further, it is written into the law that any public land use regulation by the government, the Federal Government, later on would not be precluded by this law. In other words, they could come in and put their own land use regulation in here. I think it is a bucket of worms from the federal standpoint.

I would submit to you that we should do it ourselves with state funds. Forget about the Federal Government. Keep the boundaries to the smallest possible extent consistent with providing the intended outcome. To protect our waters and our coastal zone, we should forget about these boundaries, keep them as small as possible, and forget about the federal money. It will die a natural death if we do not set any boundaries. Thank you.

Paul Carpa: This Board idea is beautiful in one respect. The boundaries are something nice. We want protection, but where is all this money going to come from to run this operation? Sure, federal money is available, but that is our tax money. If we are looking at tax money, up goes our property taxes.

LaMoreaux: That is correct.

Paul Carpa: We have a bunch of people working on the Board for what?

LaMoreaux: The Board members are not paid.

Paul Carpa: What about the people working for the Board members?

LaMoreaux: These people are staff people and they, of course, are paid. They are paid by the funds that are made available from the federal grant for coastal zone management activities and by the matching money from the state government. I beg to differ with your point of view here. You have a right to make them, but the point that you are making is not related to this meeting.

I am neither agreeing or disagreeing with this point of view. You are raising questions that you need to ask your Congressman, Senators, or representatives, not this Board. We can listen to you and record those, but they are not going to do any good. You are going to be effective in changing the law only if you go to the proper place. This Board has been charged by appointment of the Governor to carry out a law that has been passed by your Legislature, representatives of yours. If you do not like what they have passed, you need to change it with them. You can voice your opinions, but I cannot help you change the law.

There have been monies set up in the Congress for coastal management planning, and that is the stage that we are in right now. It does take time. You resent the federal and state dollars that it takes to pay the staff. I am State Geologist and Oil and Gas Supervisor and these men on the Board are directors of various state agencies. We have regular responsibilities, and we are here with you tonight to listen to you and try to do the best job we can with the legislation that your representatives and mine passed. If we want to change that, we need to go to the right place. Tonight we need to get into the record positive statements with regards to your feelings on this boundary.

We have not yet begun to get down the road on coastal management implementation. We have not even defined the complex problem of what the boundary of the area is. That is why we are having this meeting. We are just trying to find out from the people what their attitude is. You are telling us. That is good, and this is being recorded. We have many other things to do in addition to the identification of the boundary. The resources of the area have to be defined, the potential uses of the resources, what constitutes permissible land and water uses in the area, and many other things have to be considered. It will take much work. Supposedly, if we carry out the intent of the laws, federal and state, we can come up with some guidelines that will result in better use of our coastal area. This is what we really are considering, and let us direct our attention to boundaries.

Garret Griggs: I live in Orange Beach. I was just wondering why the approach would be to define boundaries before determining permissible land and water uses. Why would you not establish the uses first, which would eliminate some of the concerns of these gentlemen?

LaMoreaux: This is a possibility, a possible approach.

Garret Griggs: We are here tonight setting boundaries, we are not setting uses.

LaMoreaux: But you have made the point that this is another approach, and that is good. Are there any other statements?

Mrs. James H. Keeton: ___ all lands, the use of which would affect the coastal waters, which would certainly be an absolute minimum ___ that would not quite cover that (Parts of this tape cannot be understood).

LaMoreaux: I think that is a pertinent point. I know from my own experience in geology and water resources work in the state that the influence from a mile or two or three back sometimes can be very great on the quality of the coastal waters. One gentleman made a point that he could not see the bottom of the Bay, and I think he was relating also to the fact that we need to implement the rules and regulations that we have through the Alabama Water Improvement Commission and our water quality regulations. We need to implement those rules and regulations just as thoroughly as possible. There are going to be factors back two and three miles that will have a great impact on coastal waters, and they will have to be considered.

Name not known: I would like to reiterate the same subject that she brought up. Perdido Bay runs adjacent to Florida, Escambia County. What jurisdiction would the Board have supposing a plant in Florida is polluting the Bay, which it is today. Florida has their laws, and they could be conflicting with ours. LaMoreaux: I can give you an example of how they define it. Alabama, Florida and Mississippi are all operating under federal and state laws in developing their rules and regulations, boundaries, and management plans. In existing mechanisms of state government, and I will use the Oil and Gas Board because I

am most familiar with it, when we have a field that covers or crosses state boundaries, the regulatory agency in Florida under their Oil and Gas Supervisor meets with our regulatory agency and together they regulate that resource activity. The same thing is true with regards to our water resources regulatory agency, the Alabama Water Improvement Commission, and the state regulatory agency for water in Florida. When there is a problem of water quality that overlaps the state boundaries, they work together.

I would envision that if implemented, the coastal management program would operate the same way. There would also be that overlap of the federal agencies involved. Possibly one of the best things that can come out of this gathering and the others is that information about the federal and state laws is being disseminated to you. You are obviously here because you are interested.

One of the things that I would call to your attention is that in state government the agencies that are involved in regulatory activities are represented on the Board. This is an attempt on the part of the Governor and the Legislature to force these agencies to think together in the development of any Coastal Area Board activities. All agencies are involved: the Health Department, Alabama Water Improvement Commission, Alabama Highway Department, Department of Agriculture and Industry, Alabama Public Service Commission, Oil and Gas Board, Geological Survey, Air Pollution Control Commission and others. There is an attempt to pull together those regulatory agencies in the developments of the Coastal Area Board activities.

Fairly Chandler: I am very interested in taking good care of our coastal waters, a lot better care than we have been taking in the past. I do not really know where measurable salt content leaves off in our coastal system. I know something about the tidal area. It would seem to me that it would be wise for us to, at least, include in the secondary area all the water that flows into the Alabama coastal waters, the watersheds of Mobile Bay and Perdido Bay.

LaMoreaux: I believe you are stating the tributaries to the streams in Mobile and Baldwin Counties.

Fairly Chandler: That is right.

Mary Beech: I am from Magnolia Springs. I would like to say that time is running out to save our rivers. A few years ago we were able to see ten or twelve feet down into the Magnolia River. Now it is filled up to where we see the bottom at two or three feet, if we see the bottom at all. I, for one, would not like to put any further burden on farmers who feed us, but in the last two years we have been aware of the hedge at the little streams which come into the Magnolia River. Now all the trees, grasslands, and so forth have been cut down right along the drainage path so the land can be cultivated. One area, in particular, is where Weeks Creek starts. That land comes in and takes the farmer's top soil and plants it right in the middle of Weeks Creek. It is just a big, stinking mudhole when it rains. It is filling not only Weeks Creek, but our rivers and our bays, too.

LaMoreaux: In other words, you are saying to broaden the boundaries beyond just the bare minimum.

J.P. Coleman: Since we are talking about the coast, we are talking about elevation, aren't we?

LaMoreaux: Yes, sir.

J.P. Coleman: What is so wrong with taking a topo map and picking an elevation that surrounds this coastal area and let that be it? You will make this map one time. In fact, they are already made.

LaMoreaux: Mr. Coleman, you are right and it can be done that way. That was one of the maps that Mr. Cody held up. It was to take different elevations and use those elevations to define the coastal zone.

J.P. Coleman: He pointed out that all of the surveying had to be done. The coastal maps, once surveyed, are very rarely changed.

LaMoreaux: You could define that boundary on the basis of elevation. It would be a complex boundary as he pointed out, but it could be done.

J.P. Coleman: One time, and one time only.

LaMoreaux: I agree.

Johnny Sims: I am in the real estate business. I think I have the interest of our county here, the watersheds, as much as anyone in this room or this county. I know we have the good waters, and we are proud of that. But there is one thing that keeps ringing in my mind, and it has for the past few years. These regulatory agencies, beginning on a major basis back in the 60's, are seeming to me to destroy the rights of the American people as a whole, or the backbone of this nation. True, we would like to have clear water. We like to have fish. We would like to have everything. But our population explosions and our concentration of that population is changing much of our nation today. We are not like we were when our forefathers came and cut the timber off our hills, and so forth. I do not think you are putting enough emphasis on the balance between do we survive and stay here with the thing not as ideal as we want it or do we protect the things that will be here when we are gone?

Above all, I think the American people today are tired. With due respect to you on the Board, and not a reflection, the people are getting tired of regulatory agencies and bodies. There are so many of them in America today that pretty soon we will be told how we tie our shoes. Now that is far fetched, but the communistic movements, if we read history throughout all of these thousands of years and study the nations that have fallen, has proved some of this. This is very small, but if you put it all together, the taxpayers who are paying the bill will be regulated out of business. Their way of life is being destroyed. This has nothing really to do with what you are talking about here, but it is a thought that I wanted to leave with you at this meeting.

LaMoreaux: I guess probably I do not like to be regulated or told what to do any more than the next person. Maybe I will have to reflect a little bit because 15 or 16 years ago I became Oil and Gas Supervisor. That is the first regulatory responsibility I ever had. At that time, we had three oil fields in which the salt water was allowed to discharge into the streams and the oil waste went onto the land surface. Literally, dozens of acres were made barren because the regulatory agency of which I became the Director was not doing its job. The salt water was contaminating the streams and there were very few fish. The aquatic life and the vegetation in the stream were affected for long distances.

I could not agree with you totally. I think we can be over regulated. I am not talking about this Board. I am talking in general terms, philosophically. I think we can become over regulated just as you pointed out. That regulation can approach the "big brother" socialism, communism type of thing which none of us here want. Too, I think we can be so unregulated that one neighbor can destroy the environment, the enjoyment of living, for his next door neighbor.

I have learned that the Oil and Gas Board has to regulate those oil wells. If we do not, the water supplies in that area, both ground and surface water, can be contaminated and destroyed for man for a long distance around a well or well field. So I recognize that whether we like it or not, we must have some regulation. I would have to say that we have to have some regulation to protect the environment in which we live, because as more and more people come on this earth and we crowd together closer and closer, these problems are going to get greater and greater.

Johnny Sims: I will say this briefly and then sit down, because it probably has no bearing on this meeting. At the present time you have many agencies that really affect the coastal area, including environmental regulating bodies.

LaMoreaux: Some 15 or 17, right.

Johnny Sims: So with all of these and the U.S. Engineers, State Docks, and so forth, when you put them all together, we have already got three good coastal plans, even though there is not a plan. When you put all those together, you have pretty well got to decide on what you do to these coastal lands.

LaMoreaux: Now I think we have come to a point of agreement. I think we have probably got most of the regulatory agencies that we need. If they did their job, and if the people supported them in letting them do their job, then we would have what we needed in the way of good regulation.

Johnny Sims: One other comment. I think we have become a slave of federal grants beginning on a city basis, county basis, and state basis.

LaMoreaux: I might applaud with you on that. Thank you.

James Keeton: I would like to pose, I think, the feeling of the Board with regards to boundaries and agree with Mr. Coleman. We are talking about ...

LaMoreaux: Wait now, the Board has not formed an opinion. We have tried to give you some alternatives.

James Keeton: I said it was my opinion. We are talking about waters, both the sea waters, bay waters, and tributaries. There is no one thing that relates to them like the topography and like the contours. I would like to add my voice to Mr. Coleman's

ROLAND WALKER: I don't know whether you followed the Perdido Bay hearings or not. They defined very distinctly the Perdido River and the Styx River as affecting Perdido Bay. Why would they be eliminated from this coastal area?

LaMoreaux: They would not necessarily have to be. If you make the statement that you think they ought to be included, it will be a matter of record and that would be considered.

Roland Walker: I feel the Perdido and Styx Rivers ought to be included for the reasons given in reports on pollution and water quality in Perdido Bay in Alabama

Bob Griffith: It would be a lot easier for me to tell you where to put the boundaries if I knew what you were going to do after you got them.

LaMoreaux: Why don't you read the Coastal Area Act, and then we will get together again and talk some more.

M. L. Aust: I am sure that the Board has considered technically setting the boundaries or requirements along the lines of technical requirements of stream flows, velocities of stream flows, water quality, water sheds, or something like that. Could you briefly go into that, if you will?

LaMoreaux: Let me explain how the alternatives that have been presented to you have evolved. The technical staff, working with representatives of some of the state and federal agencies, particularly the Geological Survey of Alabama, came up with several definitions or delineations of areas that might be considered. Instead of meeting here together and not having anything to start from as far as discussions are concerned, we tried to present to you two or three as a beginning for discussion.

We did consider topographic delineations. We talked about hydrologic boundaries. We could use the salt water-fresh water interface or the marshland-salt water-fresh water areas as a basis for definition. We mentioned considering tidal effects, which extends all the way to Jackson. That is one way that we might define the area. Another is just on the basis of topography. You could say that the 11.5 foot line, the 100 year flood line, could be used. That is a physical feature that can be outlined on the map. We could arbitrarily set the 20 foot contour, which means twenty feet above sea level, or the 50 foot or the 100 foot contour. We could generalize those boundaries. In other words, not make them so wriggly in detail but just generalize them and still define an area. We took physical and cultural features into consideration. That was part of the delineation in some of these maps. We considered the political, and by political we mean the county boundaries, as a possible alternative.

Nevertheless, we used a variety of criteria for defining different kinds of areas that you might consider. I would tend to agree with the gentleman who mentioned that we try to confine it as much as we can to do the detail planning. Perhaps, we could have a larger area where we could put some more generalized planning criteria and apply those to it. Maybe we should not be quite so strict right away.

There are many alternatives that we might use in approaching this problem of defining boundaries. What we did was to try to give you some alternatives. We presented those to you in an effort to get some feeling, some feedback, from the public on how they felt about these boundaries.

Name not known: I have one more question. We have all of these boundaries. Is it your idea to present them to the Federal Government, and see which one they will accept?

LaMoreaux: No, not yet. In fact, as Mr. Hyde pointed out, we think that the minimum zone we mentioned earlier would meet the criteria of the federal legislation.

Betty Diamond: I have lived in several places that have coastal problems. Have we considered what effect Mississippi and Florida will have on our waterways? Have we considered what they are trying to do to improve their area, and how they are handling their boundary problems? It seems we should try to coordinate all of this together, so that we will get quality waterways from all of the Gulf states.

LaMoreaux: Not only have we considered Florida and Mississippi, but also up the East Coast and on the West Coast. Our staff has pulled together their criteria and has analyzed those with respect to our own boundary definition problems.

Donald Grantham: Once you establish these boundaries and submit them and they are passed on, will there be any conflict of interest in who controls the use inside these boundaries?

LaMoreaux: Once you defined the boundaries, especially if you went to a two or three zone type of boundary definition, you will have one zone which would be the most critical and another area a little less critical. Once you define those zones and define some general planning or objectives for development in those zones, then you, as a citizen, could have some input in any planning and any changes in that planning for future development.

Donald Grantham: Suppose this Board okayed a particular activity of mine I proposed to do within this coastal zone boundary. Could the EPA then come along and overrule you?

LaMoreaux: The Board could not overrule the EPA, but the Board would have to adhere to the EPA, Alabama Water Improvement Commission, or if it is related to oil and gas, the Oil and Gas Board. You are not going to get around this. This Board would have to consider those in any planning that they did. That is why members of those agencies are represented on the Board, to insure against the development of plans that would be in conflict with the AWIC or the EPA rules and regulations.

Donald Grantham: In other words, if I got a permit to do something from the EPA, the Board could still stop me. So either way, you have two controlling interests in the same area.

LaMoreaux: If EPA stopped you, that would be enough in stopping you from your development.

Donald Grantham: Right, but if you permitted me inside of this area, I would still have to adhere to EPA requirements. It looks like EPA is already controlling this area.

LaMoreaux: But EPA has only one aspect of control. It is only concerned with the environmental aspect of it, the water quality.

Donald Grantham: Anything you would do within this area where you have tributary streams would come under EPA.

LaMoreaux: Not necessarily. You could do certain things there that would have no bearing on EPA regulations.

Donald Grantham: Not too many.

LaMoreaux: If the regulations regarding the U.S. Engineers are passed with regards to development of streams, then you still have another set of rules. But again, this Board would have nothing to do with those.

M. L. Aust: Isn't the Corps of Engineers slated to extend their regulatory powers and authorities?

LaMoreaux: That is right, along tributary streams.

Donald Grantham: On the farmlands like some of these fire ant programs and all that, will they say that this area can be treated because it does not run off into a stream? It is going to come on down into the Bay.

LaMoreaux: The fire ant program, since it involves the use of chemicals, could fall under the EPA Act and AWIC Act.

Bob Griffiths: What about all of that pollution that comes from all the rivers in the north part of the state? What are they going to do about that?

LaMoreaux: They also fall under the AWIC and EPA. The Geological Survey of Alabama supplies data to the AWIC and EPA which is being used to clean up streams. We are implementing a series of satellite monitoring stations in the state. These stations are located on streams and transmit data to the satellite every hour and twenty minutes. As it goes around the earth, information on stream

gauge height and flow and quality of water is transmitted. In two hours time that data comes back to us. There is information that can be used as far as water quality control. We are doing a lot of things that are improving the quality of water in the state at the present time. Water quality in Alabama streams and underground has improved substantially over the past several years, and it is going to continue to improve, because we have become concerned about water quality and we are doing something about it.

Clarence C. Horton: When will you firm up your decisions on the boundaries?

LaMoreaux: I cannot answer that. It is going to be December 16 before the public comments can be evaluated. We can then see whether we have any unanimity of thought. Then, in my opinion, the alternatives can be narrowed down to one or two. It may be that we will have to hold another series of more serious hearings in regard to the boundaries. It will just depend on what the outcome is to this group of meetings that we are trying to carry out at the present time.

Donald Grantham: All you are doing now is trying to establish a boundary. What would be the next step after the boundary is established?

LaMoreaux: A lot of different steps. They are the ones that I read. I think you are going to have to identify the boundaries and the resources that are involved, and then the possibilities of guidelines on the uses of land and water. Then you can consider some planning in the area, at which time the public will come back into the picture to determine what sort of uses would be best for an area.

Bob Griffiths: You say uses for an area, but I own that property. I have some rights to that property.

LaMoreaux: You absolutely have.

Bob Griffiths: If I want to build a hog pen on my property, I want to have the right to build a hog pen. I don't anymore. This coastal zone management is just another thing saying I can't do this.

LaMoreaux: I think we need to sit down and talk about that type of problem at a different time. I think we have got to stick to the issue here tonight.

Bob Griffiths: Let's just keep this thing as little as possible.

LaMoreaux: We have your point.

M. L. Aust: I am through being negative. I am going to be positive for a minute. If we have the Corps of Engineers, who are extending their authority to the tributary streams, why couldn't you then, since that seems to be the most far reaching federal agency insofar as boundary is concerned, limit your boundaries to whatever the Corps of Engineers' boundaries are? I don't know how it is defined adjacent to those streams, or how it will be affected there. Am I in error in assuming that they are the most far reaching?

LaMoreaux: They could be the most far reaching, if the present legislation that is being considered is passed.

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City Courtroom, City Hall
Citronelle, Alabama
December 9, 1975

AGENDA

Opening Remarks: Bay Haas
Commissioner, Mobile County Commission
Member, Alabama Coastal Area Board

Introduction: Willis Hyde (not included in text)

Review of Boundary Proposals: Gene Cody (not included in text)

Questions, Comments and Statements by the Public

Conference Participants

OPENING REMARKS

Bay Haas
Commissioner, Mobile County Commission
Member, Alabama Coastal Area Board

Judging from the people here, all of the questions must have been answered about coastal zone management at the first two meetings of this series. There are some people I would like to introduce before we begin. Next to me is Bill Starnes, representing Mr. Red Bamberg who is Chairman of the Alabama Coastal Area Board and Director of the Alabama Development Office. Hugh Swingle is here representing Mr. Claude Kelley, Director of the Department of Conservation and a member of the Coastal Area Board.

The purpose of these meetings is to discuss some tentative boundary proposals that, hopefully, will be developed eventually into an area that would be under the regulation of the Alabama Coastal Area Board. I'm going to turn the meeting over to Mr. Willis Hyde, who is on the staff of the Coastal Area Board in the Alabama Development Office. He will make a presentation and answer any questions you might have.

QUESTIONS, COMMENTS AND STATEMENTS BY THE PUBLIC

Willis Hyde: At this time we will accept comments and questions from the audience. We would like to restrict the topic to the coastal zone boundary, rather taking the whole broad spectrum of coastal zone management.

I have a letter that I would like to read into the record from Anne W. Amacker, Auburn, Alabama:

Dear Mr. Hyde: As a member of the League of Women Voters and as a citizen born in Montgomery and at various times a resident of Birmingham, Verbena, Selma, Mobile, and Auburn, I am writing to express concern about the protection and responsible use of Alabama's coastal area. I hope this area can be kept in a condition that will be good for posterity, as well as for the present generation.

For the League, I have just written a letter to the members of the Congressional Merchant Marine and Fisheries Committee, expressing some concern about this area. To you and through you to members of the Coastal Zone Management Board with whom I want you to share this letter, we members of the League of Women Voters would like to say that we are in accord with the definition of Alabama's coastal zone and the reasoning therefore proposed by the citizens' group known as the Citizen's Alliance for Coastal Zone Boundary Definition, whose spokesperson is Alicia Linzey. The League is not affiliated with the Alliance. Further, we would like to express to you our concern that our State's coastal zone management does not apply to oil exploration. Finally, we feel that the present constitution of the Alabama Coastal Zone Management Board may not be consistent with the federal law which calls for such boards to be independent. We feel that this Board should not be located within any one agency or office of the state government, but should be truly independent and representative of a broad spectrum of the public, particularly the public in the entire region to be impinged upon by potential coastal or offshore developments.

We note that there is only one person from Baldwin County on the Alabama Coastal Management Board. We realize that Legislators are the people who must take care of some of these matters, but we did want to convey our feelings and would be happy to receive any information you may have on the matters we have mentioned. Most particularly, we would appreciate being put on your mailing list and so forth. Yours very sincerely, Anne W. Amacker, Auburn, Alabama.

Alicia Linzey: My name is Alicia Linzey and I am from Mobile. The statement that I am presenting now is a modification of a more detailed statement that was presented at the 18 November, Mobile meeting. I am here this evening as a spokesperson for a coalition of conservation groups known as the Citizen's Coastal Zone Alliance. This Alliance was conceived during the last weekend in September. At this moment, we represent 65,000 people who reside not only in south Alabama, but throughout the State as well as in neighboring states. The Alliance currently consists of the following organizations: The Alabama Conservancy, The Alabama Wildlife Federation, The Mobile County Wildlife and Conservation Association, The Mobile Bay Audubon Society, The Birmingham Audubon Society, The Save Our Bay Club, The Chattahoochee Chapter of the Sierra Club (representing Georgia and Alabama), and the Gulf Coast Regional Conservation Committee of the Sierra Club (representing Florida, Georgia, Alabama, Mississippi, and Louisiana). To those unfamiliar with this roster, these organizations take in a wide spectrum of conservation minded individuals, from the most idealistic to the most pragmatic. Included are not only "little old ladies in tennis shoes", but also hunters, fishermen, business and community leaders, educators, scientists, and just plain folks. Our views are also concurred in either fully or in part by a number of other groups, and these groups will independently transmit their thoughts to the Coastal Area Board. This Alliance was put together in order to allow citizens' groups to take full advantage of our right to participate in all phases of Alabama's coastal zone management program, the first of which is drafting of a boundary definition.

The federal coastal zone management law gives little guidance on boundary setting, but requires that a state's coastal zone take in shorelands, "the uses of which have a direct and significant impact on the coastal waters."

Paraphrasing the language of the law, it is not our purpose just to set a line on a map. That line must minimally take in those shorelands being used in ways that have an effect on coastal waters. For example, industries discharging to coastal waters; forest and land development practices that result in erosion and siltation; draining, filling, or destruction of swamplands and marshes; oil and gas production in offshore and inshore areas; and so on. It must include also areas of particular natural value such as, for example, the Mobile-Tensaw River Bottomlands, which has been listed in the National Registry of Natural Landmarks by the U.S. Department of the Interior. A state, however, may set wider boundaries than those meeting the minimal requirements of the federal law. I believe that some people have gotten the impression that a coastal zone boundary line is a preservation line, but let me remind you that the areas enclosed by the line will remain subject to the full spectrum of current uses. Furthermore, it is unlikely that permits will be required for any uses that do not already require a permit from some other agency.

The Alabama Coastal Area Board received federal funding for its first year of operation on 30 June 1974, and must have its management plan approved by 30 June 1977. Among early actions by the Board was the adoption of a preliminary boundary definition for use in applying for federal funding. This preliminary boundary consisted of three "tiers" of elevation, each with a differing degree of management or control. Although boundaries based on contour lines are now thought to be impractical, the "tiered" approach, or setting of boundaries for differing levels of control, remains valid.

The Coastal Area Board subsequently decided to consider the three proposals that have already been presented to you. Our own evaluation resulted in the drafting of a counter proposal, which is contained in the map and boundary definition that have been distributed. Copies of the full background statement are also available. Please bear in mind that the map that you see is the result of the input of all of the member organizations of our Alliance, and that it has been fully approved by each of them individually.

In developing our boundary definition several guidelines were used. Because we are a group of citizens for whom environmental concerns are paramount, our most important premise was that the boundary be valid in an ecological sense. Of equal concern was that the boundary be defensible in terms of the federal law and its attendant rules and regulations. Neither have we been unaware of the political and social pressures that hover in the background.

Because of the desirability of adopting a workable line, we have followed the lead of the Coastal Area Board and chosen readily identifiable man-made and physical features as a means of enclosing natural systems insofar as has been possible. In trying to determine the proper placement of the line, we were guided primarily by natural drainage patterns, considering that rivers, streams and wetlands draining into coastal waters should be a part of the coastal zone. We also took into consideration coastal zone definitions of neighboring states, runoff patterns from agricultural lands, areas serviced by sewage systems that outfall in coastal waterways, and the necessity for including areas of unique natural, cultural, historical and recreational significance.

We are adamant in our feeling that the Coastal Area Board proposals fall short of taking in enough of the coastal watersheds to really control the majority of uses impacting coastal waters. Also, the use of census enumeration districts as boundary lines, although useful and convenient from several viewpoints, is meaningless unless these districts can be aligned with natural systems. Specifically these boundaries do not take in areas from which there is or shortly will be direct sewage outfall to coastal waters. Neither would they control uses affecting two of south Alabama's most valuable recreational streams, the Escatawpa River in Mobile County and the Styx River in Baldwin County. Legislation that would bring the Escatawpa River into the National Wild and Scenic Rivers System is currently pending in Congress, and both the Escatawpa and Styx Rivers have been designated by the State of Alabama as candidates for wild, scenic, and recreational rivers status in a potential state program. Also, rules and regulations (15 CFR 923.13) attendant to the federal legislation outline eight areas of "particular concern" with the requirement that a state include these areas within its coastal zone even though their uses may not directly affect coastal waters. Among these eight areas of particular concern are at least two that speak to this particular situation. Number 1, which cites areas of unique natural habitat or scenic importance; and Number 3, areas of substantial recreational value and/or opportunity. We suspect that many interests would like to adopt a boundary that includes even less of Alabama's coastal area than any of the Board proposals. It should be clear to you, however, that the adoption of a narrower zone would defeat the purposes of the federal and state legislation and, therefore, be unapprovable.

We find partial concurrence with the Coastal Area Board proposal that takes in the entire two county area, but only if this area is to be designated as having the highest or primary level of control under the Board's current definitions. However, we part company with the Board when we reach the Mobile-Baldwin County line, and our boundary extends northward along the Alabama and

Tombigbee Rivers to the extent minimally necessary to control impacts on coastal waters. Saying that our coastal zone is restricted to the two coastal counties may be a convenient political decision, but this stance makes little sense from a natural viewpoint, because the Alabama River forms the northern boundary of Baldwin County. In essence, the Coastal Area Board is saying that they claim control over lands and waters south of the river, but are not interested in what happens on the north bank of the river. Since uses on both sides impact the same water, this position is untenable. When you consider such things as the locations of present and planned industries, impacts directly and indirectly resulting from the proposed Tennessee-Tombigbee Waterway, proposed oil and gas activities, and so on, it becomes obvious that we must go farther north in order to exercise some control over the future of our coastal area. The locks and dams on the Tombigbee and Alabama Rivers provide the ideal northern terminus of our coastal zone, not only because the tidal influence terminates here, but also because these sites provide a convenient, identifiable boundary. You might also be interested to know that the area between the rivers is replete with archeological remains of early Alabamians, which gives it significance as "an area of particular concern" under the federal regulations, specifically as an area of historical significance and historical value. I will not go over with you every inch of our map, because you and the Board members have been given a detailed boundary description. I would reiterate, however, that we are proposing our entire area as a primary control area and that we have selected those identifiable man-made and physical features which conform to natural systems and patterns of shoreland use that impact coastal waters, as well as taking into consideration areas of particular concern as outlined in federal regulations.

Let me comment on the matter of tiered, or differing levels of control. Although we have designated our entire area as having a primary level of control, we are not opposed to the concept of differing levels of control for different areas of the coastal zone. However, the current Board stance is to define a secondary zone as an area of no control and subject only to coordination with other state agencies. This is in contrast to their original definition of secondary, which called for control over uses that affect the primary area. We recognize that some areas within our boundary could reasonably be subject to a level of control less than a primary level, but not under current definitions being used by the Board.

I realize that there may be many people here tonight who wish that they had never heard of coastal zone management. It is unfortunate that the level of misinformation surrounding this issue has been such that a great deal of emotional opposition to any coastal zone plan has developed. We believe that those of you from rural areas in the coastal zone should look toward this law, not as a threat, but as a potential instrument for protecting your present way of life.

Hyde: Are there others who would like to come forward and make a statement at this time?

R. B. Jefferies: I am from Citronelle. I don't know whether I represent anybody or not. I have been with the Mobile County Soil and Water Conservation Commission since 1958 as a Supervisor. On your trip from here to Mobile, during most any weather, you pass over some very beautiful, clear streams. The only one that isn't that way is the one that directly heads up into Citronelle. It receives much erosion from the oil fields, roads, and things like that. We are

366 feet on some maps and 362 feet on others above sea level. This is the highest point on the Gulf Coast until you get to the Carolinas. We are a long way above sea level. I imagine you hit tidewater when you get quite a ways down the road, probably close to Eight Mile. This (pointing to the map) is the breaking of the water here in Citronelle. Everything that is on that side of the tracks goes to the Tombigbee River, and everything on this side either goes to the Mobile River or the Escatawpa River. The Escatawpa River, commonly called Dog River up here, is one of the prettiest rivers in the state, and it takes a tremendous rain to ever make it muddy, murky, or even a little dark. The main reason of that is that we have very little agricultural activities in this territory. However, I am getting off the subject here.

The reason I said that is because I believe that it would not be practical to put anything as high as we are above sea level into a coastal zone. Now, of course, the more farmers that you can let along and not fool with, the better off you are. I just wanted to bring that up. You may recognize the fact that we are that high above sea level. We are the highest place on this railroad from Mobile to St. Louis. I am interested in this for the good of all people, having worked as long as I have in conservation. We want to do it the easiest way and the best way. When it comes to it, I would like to do what I can do to help. Thank you.

Hyde: Thank you, Mr. Jefferies. Are there others who would like to make a statement or ask a question?

Name not known: Were the citizens aware of this meeting?

Hyde: Yes, sir, the citizens should have been aware of it. We attempted to publicize it. We sent letters to all those people who had made any indication they might be interested in coastal zone management. We published announcements in the Mobile papers and the Washington County paper, as well as the local papers all around.

We realize, just as Mr. Jefferies pointed out, that this is an area that many people would not consider coastal zone, and we don't know if we consider it coastal zone or not. That is why we are trying to get comments such as yours. I wish there had been people here to make comments one way or the other.

I have received a number of letters, most of which were just asking for information, but the letter I read previously will be put into the record. If anyone would care to write, we would certainly welcome their comments. If you know anyone who would like to express an opinion, we would like to include it in our analysis of the public's opinion.

The reason we are having these meetings is that we would like to find out what the people want. After we conclude this series of meetings, we plan to put all of this information together. The comments that have been received in these five meetings will be incorporated into one document. This will be available to all those participants and any others who would like to have copies.

Do we have other comments? If not, we will conclude our meeting for this evening. Thank you very much for coming. We appreciate your interest. The next public meeting will be held tomorrow evening at 7:30 in Bayou La Batre. The meeting format will be the same as tonight. Anyone who is interested and would like to make the trip to Bayou La Batre will have an opportunity to make comments, just as you did here.

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December 10, 1975

AGENDA

Opening Remarks: Dr. Sidney Upham
Director, Alabama Marine Environmental
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Member, Alabama Coastal Area Board

Introduction: Willis Hyde (not included in text)

Review of Boundary Proposals: Gene Cody (not included in text)

Questions, Statements and Comments by the Public

Meeting Participants

OPENING REMARKS

Dr. Sidney D. Upham

Director, Alabama Marine Environmental Sciences Consortium
Member, Alabama Coastal Area Board

I would like to welcome you to this Coastal Area Board meeting tonight and introduce some of the members or alternates that are here. On my right is Bill Starnes, who is Director of the Planning Division of the Alabama Development Office. He is representing Mr. Red Bamberg, Chairman of the Coastal Area Board. Next to him is Paul Moser, who is representing Dr. Philip LaMoreaux, State Geologist. Then we have Willis Hyde, who is on the staff of the Coastal Area Board. On My left is Hugh Swingle, representing Claude Kelley of the Department of Conservation. Next to him is Gene Cody, who is also on the staff of the Coastal Area Board.

This is not a formal hearing. Rather it is a meeting to discuss some tentatively proposed coastal boundaries. It is preliminary in that we would like to get your feelings on what these boundaries should be. We will, in case you are not familiar with the coastal area, have a brief discussion of our coastal zone management program by Mr. Hyde. Then we will go over some of the proposed boundaries that were set up by the Coastal Area Board merely as a starting point for something to discuss.

In the handout material that you received when you registered, there is a card which can be used if you want to make a statement or ask a question. Somebody will collect those cards at the end of the program. We will then try to answer whatever questions you might have. If you do want to make a statement, please limit it to five minutes. When you ask a question, please state your name and organization you represent, if you represent one. We will be taping this and would like to know who is making the statement or asking the question. I will now turn the meeting over to Mr. Hyde who will give you a brief discussion on the background of the coastal area.

QUESTIONS, STATEMENTS AND COMMENTS BY THE PUBLIC

Dr. Sidney Upham: Before we have questions, Jerry Mitchell, leader of the coastal zone management program for the Mississippi Marine Resources Council, is with us tonight. Jerry, could you give us a brief discussion outlining where Mississippi is in this coastal zone boundary question.

Jerry Mitchell: Mississippi is perhaps thirty days behind the State of Alabama concerning its coastal zone boundaries. Our Council is now going through various processes of coastal zone boundary determination. We will be having a series of public meetings such as this one in Mississippi beginning at the end of January. We anticipate several types of approaches similar to this. We have a larger planning area than the Coastal Area Board. When I am talking about planning area, I mean that we are looking at all the lands and waters within six counties. This includes the three coastal counties and the three adjacent counties to the north of the coastal counties. Somewhere we feel our boundaries will fall within this area. I think our schedules are somewhat similar to Alabama's.

Upham: Thank you. If you have any written questions, will you pass them into the center and somebody will pick them up. Miss Linzey, would you like to make a statement?

Aliciz Linzey: (See Citronelle meeting for text of Ms. Linzey's statement)

Mark Nelson: I have several questions to ask and a few comments to make. My name is Mark Nelson, and I do not represent any designated group. I just represent myself and a few concerned people.

First, I'd like to talk about the sincerity of the people in Bayou La Batre. These people make their living off the ocean, and they have been here for years. They know the impact of pollution, they know the cost of that pollution, and they know the cost of people not being concerned with their environment. They also know the cost of economics. They also know the cost of other factors that can go into the fishing industry. These people are, indeed, concerned and sincere about their environment. However, we have heard a lot of laws talked about tonight, but we haven't heard any interpretations of those laws. You can get five different people reading the same law and you will get five different interpretations. We should like to know how these laws are going to be interpreted in the future and what implications it has for this.

Secondly, I have several questions. I'd like to find out who makes the final decision on the boundary. I don't believe it's clear to a lot of people who is going to make the final decision.

Next, what are some criteria for coastal zone management? (A) Has a definition of what shall constitute permissible land and water uses within the coastal zone, which has a direct and significant impact on the coastal waters, been made?

(B) Has an inventory of natural and man-made coastal resources been made as manifested in the Act? (C) According to the Office of Coastal Zone Management Boundary Principles and Acceptable Inland Boundaries, Page 2, Paragraph 3, "before a state can determine the inland boundaries for management purposes, it must determine which uses are to be controlled and the location of those uses." We would like to know if this has been done, and specifically, what are they talking about?

Thirdly, I'd like to talk about pollution control. (A) Is There a program in Alabama to control nonpoint sources of pollution, specifically, the agricultural runoff sediments, pesticide uses, etc.? (B) Will the coastal zone management program encompass the control of nonpoint sources of pollution? Specifically, the Act in 923-11(a)-1 calls for the control of the shoreline, the uses of which have a direct and significant impact upon the coastal waters. I am talking about agricultural runoff as manifested in this Act. Now, to the extent that these people want to control any particular part of the coastal zone, why are they not going to control the entire coastal impact area? In other words, are they going to control agricultural sediment that is going to occur in one part of the county and not control agricultural sediment in another part of the county that happens to not be in the coastal zone? Indeed, it is going to affect this coastal part of the county.

Finally, what implications does the Act have in terms of the "taking" issue? Specifically, do the courts interpret the Fifth Amendment of the Constitution to define a "taking" as "unreasonable restraint on land use"? In other words, is someone, who is going to be restrained of the use of a particular area, going to be compensated for that restraint?

I support the Citizen's Coastal Zone Alliance. I believe that it is counterproductive to have an arbitrary decision on what is going to be controlled and not controlled to that extent. The Federal Act calls for a comprehensive program to control the management area. How can you have a comprehensive program to control the management area if you're going to use just geographical discretion? Why not have ecological discretion? That is what the Act manifests. That is what ought to be done, and not just have arbitrary geographical discretion. It should be an ecological discretion. That's all. Thank you.

Upham: That was part statement and part question, and we thank you for the statement, because that is what we are trying to get at. As I said before, these things that we brought up this evening are starting points for arguments, and I think you have taken that. On the questions, you brought in a lot more than just the boundaries. We would like to hold this to boundaries tonight, if possible. But we are working on some of the other things that he was talking about.

Hyde: I think we should take the questions one at a time. I don't think I could attempt to answer them all at once.

Mark Nelson: Basically, what I want to know is why isn't the nonpoint pollution or the agricultural runoff, that has a significant impact on the coastal area, going to be controlled just like any other part of the coastal zone? According to this definition, the people who live in this area are guilty of misconduct or misuse of the coastal zone, while the people who are farming further up here and letting the sediment and pesticides come down the streams and destroy the estuaries are not being condemned for that.

Upham: Aren't you saying, then, that you feel this particular boundary isn't big enough?

Mark Nelson: That particular one, yes. I agree with the Citizen's Coastal Zone Alliance.

Hyde: I think I can respond to that. We are not attempting to supercede, in any way, the activities of the Alabama Water Improvement Commission. The nonpoint source runoff and other stream pollution comes under the Water Improvement Commission. I won't agree or disagree whether this is a large enough boundary. But if you want to project this upward, everything that falls on Alabama and erodes soil anywhere in the drainage basins of the Tombigbee or Alabama Rivers could also be implied to come under this. This would mean that we should include the whole State of Alabama, except for the Tennessee Valley, as part of the coastal zone. Now, I think that is probabaly not practical.

Mark Nelson: Well, administratively it might not be practical, but ecologically it would certainly be practical to control it all, wouldn't it?

Hyde: Politics has been defined as the art of the possible. Whether we like it or not, we are dealing in a realistic, practical, political world. I can't argue your ecological consideration, but we must also attempt to deal with what we can practically implement and what would be practically acceptable to the people. The State of Washington, at one time, defined their coastal zone back to a third tier. It went back to what would be comparable to all the State except the Tennessee Valley. The federal people said that this was too much for a coastal zone.

Mark Nelson: Specifically, as defined in the Act, what uses are going to be controlled and what uses are not going to be controlled?

Upham: You're getting away from the boundaries again.

Mark Nelson: No.

Upham: Yes, you're too far away from the boundaries on that.

Mark Nelson: My point was that if you haven't determined what uses have an impact on the ecology, then how can you draw an arbitrary boundary.

Upham: Well, this is the chicken and egg situation. We are trying to work on the boundaries right now, and this is the point that we should be concerned with tonight.

Mark Nelson: But uses, I believe, should determine the boundary.

Upham: Well, then, perhaps we should change our minds and not work on the boundaries anymore, but go ahead and get the uses defined first.

Mark Nelson: No, no, no. The only thing the law calls for is a definition of the uses and a definition of what is going to be controlled and not controlled. Now the law calls for that, and . . .

Upham: It's a question of which we do first. If you think, perhaps, that we should consdier the uses first before we set the boundaries, that might be the way we should go.

Hyde: For a point of information, we are presently trying to gather technical and background information to determine what should be permissible uses. Now this, it may seem is a simple thing, but to try to satisfy 50 people in this room is difficult. To try to satisfy all those people who might be included in the defined coastal zone is impossible. So you have to make a decision which way to go and we made the decision to attempt to define the boundary and then work on permissible land and water uses.

Mark Nelson: Who is OCZM?

Hyde: Office of Coastal Zone Management.

Mark Nelson: Is that a federal agency?

Hyde: That is a federal agency.

Mark Nelson: Now, I quoted directly from that. It says, "before a state can determine the inland boundaries for management purposes, it must determine which uses are to be controlled and locate those uses." That's what the OCZM states. That is what the law states.

Hyde: Well, that's true if you want to go to the Alabama Law. I don't think we need to belabor this point one way or another. This is an administrative decision that has been made. The state law says that the first thing you do is determine the boundaries.

Mark Nelson: I skipped my first question, which was who makes the final decision on the boundary?

Upham: The Coastal Area Board and the public.

Mark Nelson: Then there will be a referendum?

Upham: There probably won't be a referendum, but there will be a hearing

Mark Nelson: I think that's about it. Thank you.

Hyde: Thank you for your questions. They have been well thought out questions.

Upham: Does anyone else have any questions that they's like to bring up at this time?

Ray Horn: I think Alicia Linzey gave us a little leeway as to what we can and cannot say here tonight. It seems that she talked about everything but sex. I don't agree with all her "do good" organizations and things like that, but I do have a lot more respect for her. She lives on San Moritz Drive in Mobile. These things are affecting us. We live here. This is our home, and this is our land. And then we have to have people like Congress and the Alabama Legislature come in here and tell us how to live and tell us what we're going to do with our land. Now, if the Congress of the United States and if the Legislature of Alabama would have come down here and bought this when they decided what to do with it, or if Ms. Linzey can afford to buy it, then nobody would object as to what they'd do. But they are talking about our land, where we live, where we've lived, where our parents have lived, where my grandparents and their grandparents have lived.

These are the things you are talking about. They just set up a (I don't know, but I guess the government did this, since they get blamed for everything else) policing committee to tell us what we're going to do. Alright, the Director of the Alabama Development Office, I don't know who that is and could care less, and it goes on down. Mr. Kelley is an outstanding man. I have no control over Mr. Kelley, but he's a fine man. He's the only one on the Coastal Area Board that I know. I get to vote on only one man on the whole Coastal Area Board, the County Commissioner. I don't know which one it is. There is one I don't like and one I do like, and you can bet your bottom dollar it will be the one I don't like. I'll go up there and talk about what I can do with my land.

We in Bayou La Batre sometimes have a lot to put up with. When ya'll come down here and have meetings or you have them in Foley and Robertsedale and all of those places, we're not interested in where you're getting the money. We know you're getting paid or you wouldn't be here. And you took 30 minutes to tell us that.

Upham: I'd like to take exception with that. The Coastal Area Board members don't get a cent. Not any member of it.

Ray Horn: You're not getting paid, mister?

Upham: I'm not getting paid.

Ray Horn: I didn't ask you, Doctor.

Hyde: I'm not a member of the Coastal Area Board.

Ray Horn: Well, you're the one that told us where the money is coming from. And this other man over here doesn't feel like we can read a line. We can't do too much more, but we can read lines.

Now we're not big welfare people down here in Bayou La Batre. We work for a living. We have a lot of independent business people that start our real poor. They'll get them a trailer. Doctor, you've seen this, since you live in Mobile County. Then they'll get them an oyster boat and start catching oysters. I saw this just yesterday. And they'll bring those oysters home and the wives will sit there with the baby, and she'll hull the oysters while that old fool is out there getting some more oysters for her to hull. I know that's against the Board of Health regulations, but it's the way they do. I asked, "You know, that looks like kind of a hard row to plow." She said, "Yeah, but, you know, we've been working on getting us a house. Then we're going to get us enough land so we can put an oyster shop on the back of it. And then we will be successful." With this bunch of bureaucrats that we're going to have regulating this poor ole soul, she might as well forget that thing and go on out there tomorrow and apply for that welfare. You know, you get our Congressman (and it makes me so mad, I voted for him every time) and come election time, he gets up there in that TV, that boob tube. He sounds good and looks good, and he's sharp. He talks about the poor welfare people. Well, I know some of these welfare people.

Upham: We're not talking about welfare here.

Ray Horn: Yes, sir, but it really relates to ya'll. And he talks about how we need to get rid of this welfare, but then at the same time he votes for something like this. He creates a bureaucratic welfare that we'll never have an end to--people who won't get out and work, but will get up and administer to us about something that we own, that we worked our lifetime for. We don't like it. And I'll say this before you stop me. I want the whole state to be in this zoning thing. I want everybody to put up with it. Thank you.

Upham: Just remember when you think about it that this is not a bureaucratic situation that you've talked about at all. If we were all good citizens and minded our own business, we wouldn't need any police, would we? But we have them. If you live in the coastal area, you know what's happening to it. You can see it, and if you don't see it here, you can go places where they have let it go and see what has happened. What we're thinking about tonight and in coastal zone administration is to try and have an intelligent plan which will keep our coastal zone the way we want it. I live in the coastal area. I like the coastal area, and I would hate to see it change. That's why I'm here tonight.

Another thing is that you've got to look into the future. In ten or fifteen years we may almost double the number of people living in the coastal area. What's going to happen if we just let the whole thing go and not worry about it. Should we do that, or should we have an intelligent plan? That's all this is. We're not going to take anything away from you or anything like that. If you do think that, then you have not read the law through correctly.

Russell Steiner: My name is Russell Steiner with Steiner Shipyard. Just recently we purchased some property in the City of Bayou La Batre as an industrial site. We went through the Corps of Engineers and the State for permits. I'm sure you, Dr. Upham, have received a letter concerning our problem of the land that was taken away from us. We purchased this property and later on they came in and said it's a swamp area. But we got aerial photos (not understandable on tapes) because no one was right there at that time. The State came down (which I have letters) and through politics tried to take some more property away from me which was right in between two businesses going in force right now. And finally I had to negotiate and had to give rights (and I have pictures of this) to the State and pull dirt back and plant marsh grass out on a certain area of land that we paid a good price of money for. Any you are taking something. It happened to us, and I've got proof here and letters. You, Dr. Upham, have a copy of this letter, which was a very poor letter written from the Attorney General. And I believe, Mr. Willis Hyde, you've got a copy of it. Are you familiar with the letter?

Hyde: No, I am sorry. I probably have a copy of it, but I'm not familiar with it.

Russell Steiner: Could I show you a copy of the letter.

Hyde: Yes, sir, we would be happy to see it.

Russell Steiner: Do you think this is a real nice letter to write to a tax paying citizen?

Upham: We're getting away from the issue.

Russell Steiner: It's what you're doing, sir.

Upham: No, we're getting away from what we're trying to do tonight. We are going to have other meetings that will take up things like this. But I would like to keep this meeting on the boundaries as much as possible.

Russell Steiner: Well, we had the boundary, and the way ya'll have got it, it doesn't make any difference to us because we're going to get what you said anyway. (tapes not understandable), and then tell us what you're going to do.

Upham: Let me answer this from the other viewpoint. If there were no regulations, and anybody that wanted to fill the marshes and build buildings and so forth on them could, eventually we wouldn't have any.

Judy McConnell: What would happen is we lost all our rights. That's what it is, the rights of owning property.

Upham: No, it's not. We're not talking about that at all. If you lose the marshlands, you lose your fisheries.

Russell Steiner: The only thing I'm trying to say, sir, is that basically the property I was on was not really a marshland. Now if you were talking about an island, and if I had done this on an island, you would have a right to stop me, because I took an island out there that was all marshland and wasn't developed. But I was in a developed area. If it would not have been for the Corps of Engineers, I feel, going to try (tapes not understandable), the State would have taken the whole piece of property. You should have seen the cat that came down and tried to take all my land.

Upham: Well, I certainly hope nothing like that happens with us.

Russell Steiner: I have some pictures and I have an area down there where I had to get a bulldozer and replant some grass. I am right next to the State docks.

Upham: I can't answer that question. I have no right to. Are there any other questions?

Judy McConnell: First, I'd like to know when these hearings were announced and where and how they were announced?

Hyde: Gene Cody, I think, might be able to answer that.

Gene Cody: First of all, the use of the word hearing is incorrect. They have not been advertised as hearings, although some people have used that synonymous with meeting. This is a public meeting because it is not a formal hearing and is not conducted as a formal hearing. This meeting is to solicit discussion and get ideas for further development of the proposal or similar proposals.

Judy McConnell: Well, when was this announcement made?

Cody: The Mississippi-Alabama Sea Grant Consortium has had administrative input to these meetings by setting up the arrangements for the facilities, recording, preparing summaries, and so forth. They sent letters to an enormous list of people who were at previous meetings and conferences over the past year and a half. Also they went to various organizations and compiled extensive lists and mailed out the information on these meetings. Prior to the first meeting of this series of five, the Alabama Development Office Publicity and Information Division, put out news releases to 17 newspapers, weeklies and dailies, that circulate in this two county area. They sent releases to 13 radio and TV stations, including Biloxi and Pensacola. Follow-up releases were made just prior to each meeting as it takes place on the schedule.

Judy McConnell: How were these lists compiled? Were they just organizations or did you specifically try to get in touch with individuals that own property within the boundary you were considering? Just how could my name get on a list if I weren't aware that a bill had even been passed to do what this has been doing?

Cody: Now, you're going back to the bill, and that's going beyond the realm of priority, too.

Judy McConnell: I didn't even know this existed until I saw an article in the November 16 edition of our Sunday paper telling of a November 18 meeting at the Hilton Inn. This is the first time that I knew that any bill had been passed. And that's what I had been wondering. Just how could the general public, the property owners, who are the main ones that are concerned with the control of their property, be notified that all these different agencies and bureaus . . .

Hyde: If I may come in, Gene, I think you have answered the question. That's exactly the way we have been trying to get the information out to the people. And you responded to it, apparently, by reading that in the newspaper. No, we did not go to the property owners list in Mobile and Baldwin Counties. We don't have the staff to do it. Mr. Cody and I are the staff of this program, and you can see that that would be a laborious job. But we have attempted, through all the public media, to announce these meetings. The list that Mr. Cody was speaking of was compiled primarily from the South Alabama Regional Planning Commission list which they have developed over the last several years and by lists of names that we have compiled from previous conferences. We would be more than happy for you to supply us with names of everybody you know who would be interested, and we will send them a notice of everything we do.

Judy McConnell: I'd like to be on the list for one. And what I was referring to was that I noticed in the federal law that it says these announcements should be made 30 days prior to any hearing.

Hyde: Mr. Cody defined that these are not hearings. These announcements were made 30 days, I think, prior to this meeting. The first announcement went out before November 16. We attempted, as best we could, to notify the public of that meeting. We're open to any suggestions that you might have.

Judy McConnell: I'm very concerned about this bill. It is in great violation of our Constitutional right in that we are a republic. In a republic, an individual has the freedom, the liberty, to own and to control his own land, and there is no state planning that will control that land for him. When state planning comes in and controls a private individual's property, that is socialism, on the way to communism. We are on the eve of celebrating our 200th anniversary as a republic, and I'm afraid that we already have laws on the books that make us not a republic but a socialistic state. I think everyone should be aware of this, and we should try to stop planning for the individual but plan with the individual. Spend time and money to contact us personally, and not let the intellectuals get together and tell us what is best.

Hyde: I appreciate your saying that, because that's exactly the reason we are here this evening. We're trying to get to the people and we're soliciting your comments.

Judy McConnell: The federal bill (CZM Act of 1972) says that it is to establish a national policy and develop a national program for the management, beneficial use, protection and development of the land and water resources of the nation's coastal zone and for other purposes. That "and for other purposes" is very, very bad. Just what does that take in?

Hyde: I'm sorry, but I cannot define that. I am not an attorney. I would like to add one other thing. I do not disagree with any of the things that you have said. I think you are completely correct in many of your views, but this is not the place to change those things. If you want to change the law, then you should contact your State Legislators and National Congressmen. That is where to change the law. Tonight we are simply responding to an Act that has been passed, and we've been given the responsibility, whether we like it or not, to carry it out. If you want to change the Act, we are not the people who can change it.

Judy McConnell: I realize that, but the reason I'm saying this is you haven't thought along those lines. I know there is a lot of good that is intended by this law. But I just wanted to bring it to your attention that this is a (tapes not understandable) to us. Please go as slow as possible until we can get that law taken off the books.

Upham: Are there more questions?

Hyde: I have a couple of questions here that were passed in, and I will attempt to answer them. The first question by JUDY STOUT asks, "If the Alabama Act 1274 specifies that oil and gas exploration, superport, and so forth are not affected, why is the inclusion of these areas a positive feature of any boundary? This seems to be deceptive." The second question by J.R. DIAMOND of the Mobile County Board of Health says, "Each of your three plans has listed a positive stated consideration that it include areas that will be affected by oil and gas development, onshore and offshore, Ameraport, and so forth. This appears to be in direct contradiction to parts of the Alabama law."

We didn't intend to be deceptive. The State law, Act 1274, has been reviewed at the federal level and has been found to be deficient in some areas. One of these is the list of exceptions that's included in it, particularly as it relates to oil and gas development. The Legislators from this area, two in

the House and one in the Senate, introduced bills in the past Regular Session and the fifth Special Session to eliminate some of these exceptions. Those bills did not pass. Whether they ever will, I don't know. But at the time we were working on this, we were cognizant of the fact that the State law excepted those things. We were also cognizant of the fact that if we ever develop a viable coastal zone plan, those things have to be included in it. Upham: I don't know whether the report on the Stratton Commission is still available, but when Congress really wants to find out about something, they can. They can be the best informed body of men and women in the world. When this whole thing started there was a study being made by some of the foremost scientists in the country, who lived in the coastal area and had been involved in marine work all of their lives. The report by this Commission is the most beautiful piece of reading, and it explains all of the reasons why this Act came about. If you can possibly get it, it would give you a background of this whole business.

J. E. Green: I'd like to make a statement. You mentioned about we should contact our Legislators to get the law changed. Well, this to me is like integration and busing. They divide and conquer. (Tapes not understandable), but now they're getting it. Now you take a little bit of this thing, put that under the control of this agency, and as soon as that's in control, then they'll widen it up and take in a little more. You can't get enough Senators and Congressmen to go along with us.

Clarence Steiner: I wanted to make a remark on this marsh situation. If it hadn't been filled in, there would be no Bayou La Batre. When I lived here, there was marsh on both sides of (Tapes not understandable). As far as environment, what about this shopping center, Bel Air Mall? If they hadn't cleaned up the swamp, there would be no Mall just like there would be no Bayou La Batre. Take a little place like that where they want to plant marsh where it has already been filled in on each side. Now if there is any justice to that, then I don't want any.

Mark Nelson: I have a question and then a comment. Why do you have boundaries? Upham: Mostly for administrative purposes. We have been charged to come up with a plan for the coastal zone. This is a plan to insure that the coastal area will grow in a good and normal way. If a business or industry comes in, it will be placed where it should be, where the land can stand it, because some of the land cannot take it. In some areas it won't even take housing, and this housing will deteriorate under the stress. It's the coastal area that we are primarily concerned with, and that's why we have to set boundaries. We cannot just not set any boundaries and go the whole state, because we could not manage it administratively.

Mark Nelson: You can't include the whole state? Why not? Every bit of it drains down ...

Upham: I know, but I think probably if we did that, we'd be ridden out of town on a rail. You have a right to your own opinion. What I am trying to tell you is that there is a reason for this coastal zone management. The reason that I am here is because I think the coastal area is good and I live here. I hope it stays the way it is, and this is what I am going to try to do. That's why I'm here.

Name not known: The general purpose of this is to protect the environment? Is that right? The coastal environment?

Upham: That's one of the purposes.

Name not known: Well, what are all of them?

Upham: That's the first thing in the law.

Name not known: Well, if your purpose is to check, I don't think you should have a boundary. What if you have a problem somewhere upriver or all the way up into Birmingham where some company can dump whatever they want in the rivers? Then when it gets down here into your boundary, what can you do about it? You can't clean it up.

Upham: Anything over which any state or federal agency has control must conform to the state's coastal zone management plan. We expect cooperation.

G. C. Dempsey: Maybe there's a lot of this that I don't quite understand yet. I might be wrong, but take this man over here. This commission seems to hold him back from his building up his land as he sees a need for it. By the same token, take Gulfport and Biloxi over in Mississippi. If that beach and coastline had not been built up by man, man's hands, what would the beach be down there like today if they didn't fill it in and build it up?

Upham: That's a very good point. And that's restoration of the coastal area.

Name not known: We are all concerned. The law is there. It is in Congress, and it's on the books. This is going to happen and the best thing I can say is let's make it happen the best way possible. Get the best results out of it. Keep an eye out for the person's civil rights.

Upham: Well, let me tell you that as far as we're involved, and I think I can speak for most of the people on the Board, we are concerned. And we are concerned that we find out what you want. That's why we are having all these meetings. It's no fun for us to go to these meetings. I pay my own way, and I take the time to do it. I have to study and I have to sit up and argue with you people when I get here. But we're bringing you the message, and you're giving us the answers. This is what we're trying to do. That's what this is all about. The things that you've brought up tonight have been recorded, and will be gone over. They're all going to make an impression. That's what we're here for.

Lorraine Revel: We feel that we're just very, very fortunate in being able to own a little bit of property and live on the coastline like this. My recommendation is that the whole state be taken in, because we get everything from all upstate. There are waterways all through the state, and I don't see why we should suffer and be restricted in what we do with our land when a lot of that comes from up the country. I think that the whole state should suffer. And then you would have more people who would become more involved, because they would realize that this is trying to be a land use type thing with the Federal Government.

Upham: I certainly hope that you don't suffer, because I look at this Coastal Zone Management Act as a saviour of the coastal zone. If we don't do something, we're not going to have any coastal zone. I am positive of that. You can see where this has happened in other states. Right now, we're in good shape, and other states are in far worse shape than we are.

Lorraine Revel: You say we're not going to suffer. I'm sorry, I disagree with you.

Upham: I know. I can't understand it.

Lorraine Revel: You say we're not going to suffer, but the article in your law says that we must get a permit before we can do these regulated activities. Do you realize the power that you eight men must have in this boundary zone? I just can't imagine. You will have more power than the Governor or even the President, really, because we will have to petition you, make application on whatever we want to do of these regulated activities, which you have not named yet.

Upham: Now we have come to you with the boundaries, and we will come to you with the regulated activities, so you're going to have your way. What you put into this Board is what's coming out. Remember that.

Jack Rudloe: I'm Jack Rudloe of Gulf Specimen Company. I'm sort of a neighbor of yours from Panacea, Florida. I feel I have a little bit of input here tonight, because we both share the same waterway. To the gentleman back there and everyone else who is so concerned about ownership of land, I feel I have a joint ownership of the water. He owns tidal lands, but all of our public waters wash on these tidal lands. Those streams, creeks and tributaries all belong to the public.

I don't speak as someone that's a little bit removed, since I own marshland. I pay taxes on marshland. I have fought this Coastal Zone Management Act like mad for the last several years. In Alabama, as Dr. Upham said, you're all very fortunate. I drove a little bit through your coastline and have been on shrimp boats the last few years. You have pretty much a beautiful, unspoiled coast.

Go down to Boca Chica Bay in Florida and see what's been done there. Go on and look at what used to be beautiful grassbeds, places where you could drop a shrimp net, make a five minute tow, and just load it up on the boat. Go back and see what seven dredges pumping day and night did to that place. They pumped it out, chopped it up into canals, silted it, and polluted it. Go back and see what's left of the grassbeds, and see what you get if you drop your net out there. You get silted mud and muck and that sort of thing.

As far as pollution, you know we haven't come anywhere in this country. You talk about the poor little lady with oysters and the baby and think we're going to put her on welfare if we fill in the marsh or stop her from building and that sort of thing. What's going to happen if you go ahead and let them fill in marsh? It doesn't happen overnight. It occurs by attrition, acre by acre, foot by foot. I've seen marshland fall. I've seen coral beds, that I drove over just one year previously to get specimens, become dead coral beds. You don't have that here. You have a little bit more stable coastline than we have over in Florida.

I can't say that I want to see any governing body reach in and grab anywhere. I'm not sure that I like regulations, because I have been regulated to death. But I know one thing. Unless we come to some kind of conclusion and find some way to stop the destruction of tidal wetlands and destruction from upland pollution, we're just going to lose everything we have. We're not going to accomplish this by shooting at Boards like this. I think a county like this (Mobile) that makes as much of its living on seafood as it does, needs to be standing behind the protection of marshlands, not fighting it.

Bob Glasson: I run a charter boat from Dauphin Island. I look at that map up there and I see the lines all drawn for the coastal zone boundaries. I see the waterways on both sides outside the boundaries. On many of these waterways

there are plants dumping their wastes into the waterways. If you're going to take one part of it, I can't see why not take the whole thing, because you're going to get it (pollution) from outside each side of the boundary. Yet you're going to have one little specific waterway covered with boundaries. Upham: I might add that we're working very closely with Florida and Mississippi, so that there is a kind of agreement along the whole coastline of those three states, as well as Louisiana.

Name not known: You say you're working with Florida and Mississippi. That's not the answer to it. The answer is the whole state, the whole three states or none.

Hyde: May I add a comment here? We're talking about one thing and you're talking about something else that goes together to make one problem. Maybe what we ought to have in this state is one environmental protection agency, but we don't have. We have a number of agencies that are responsible for environmental protection. The Alabama Water Improvement Commission is responsible for this exact thing that you're defining. We don't have any intent or any reason by law to duplicate their program. What we are particularly interested in, as it says on everything that you've seen tonight, is the coastal zone. Now I agree with you 100% that the pollution problem may lie outside the defined coastal zone. It is not within our area of responsibility to attempt to control pollution. In fact, it is specifically stated that we shall not govern point sources and other types of pollution.

Name not known: What are you going to do? Are you going to put a gate across each little street and river and bay that empties into this coastal zone?

Hyde: No, sir, we're going to expect that the Water Improvement Commission would be as responsible in carrying out their activities as we'd like to be in carrying out ours. I think our Water Improvement Commission in this state is doing an excellent job with the facilities that they have. I'm sure that all of you are aware of their programs.

Name not known: Very much so.

Gussie Marshall: I think you probably could help us out a whole lot. Since you've got all these committees and things set up, why couldn't we have somebody from this area on that Board, so we can know what's going on?

Upham: Good point. We brought this up earlier. It was introduced, as Mr. Hyde said, into the Legislature this year. As you know, a lot of the legislation never hits the floor. Unfortunately, this was one of them. It will be introduced again next year.

Name not known: It seems like you are pretty determined on not taking in the whole state.

Upham: No, we're not determined.

Name not known: I firmly agree. I'm interested in the coast, too. I don't want to see it polluted or messed up or destroyed. I live in this state. If you can't get the whole state, at least get the biggest area that you can.

Upham: Any other questions? If not, let me thank you very much for coming out this evening.

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Circuit Courtroom, Baldwin County Courthouse
Bay Minette, Alabama
December 16, 1975

AGENDA

Opening Remarks: Dr. Sidney Upham
Director, Alabama Marine Environmental
Sciences Consortium
Member, Alabama Coastal Area Board
(not included in text)

Introduction: Willis Hyde (not included in text)

Review of Boundary Proposals: Gene Cody (not included in text)

Questions, Statements and Comments by the Public

Meeting Participants

QUESTIONS, STATEMENTS AND COMMENTS BY THE PUBLIC

Wallace McElroy: Gentlemen of the Board and ladies and gentlemen of the audience, my name is Wallace McElroy. I am a resident of the City of Mobile. I am appearing here tonight as an interested citizen and also as a spokesman for the Mobile Area Chamber of Commerce. I would like to read a statement for the record. This statement constitutes the Chamber's official position regarding the boundaries of the coastal zone. I have copies for each member of the Board, as well as for the public. I would like to read the statement:

To: The Alabama Coastal Area Board
From: Mobile Area Chamber of Commerce
William H. Holland, President
Subject: Statement for the Record

Gentlemen:

The Mobile Area Chamber of Commerce is very interested in maintaining a balance which provides for continued development, while at the same time, preserving those environmental and wildlife features implicit in the attainment of a quality of life for all citizens.

The Chamber, through its Environmental Committee and other committees, is extremely concerned with the management of the environment, and this, by all means, includes our coastal zone. We have participated in public hearings dealing with a range of activities from disposal of dredge material to offshore drilling, and in every instance appropriate steps are taken to adequately protect and preserve our environment and wildlife. This has not changed in our approach to the establishment of a coastal zone.

Our Environmental Committee has met on several occasions and has recommended that we submit a statement for the record in keeping with the intent of the 1972 Federal Act, Public Law 92-583, and Act 1274 of the Alabama Legislature.

The Chamber concurs with the statements in Section 302 of PL 92-583, "there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." However, with the opening of the Tennessee-Tombigbee, the projected growth we see in the late 1970's and early 80's, to arbitrarily remove areas which may be of vital importance to the continued growth of the region would be disastrous not only to Mobile, but to the entire state and to an extent to the nation.

The Chamber is familiar with various proposals before the Board as well as additional proposals submitted by individuals for the Board's consideration. We have reviewed these proposals and concluded that, in our opinion, the best direction which the Board might adopt would be to establish a zone consisting of the smallest possible area. Our reasons are quite simple. We feel that with an unknown program the smaller area to be managed is the most desirable. At such time as these rules and regulations are adopted the boundaries of the coastal zone could be reconsidered.

For this reason, we recommend that the Board adopt boundaries for its zone using the following general physical and natural features:

Beginning at the Mississippi line following the shoreline (south side) east to its junction with the shoreline of Mobile Bay; north along the west shoreline of Mobile Bay (east side) to its junction with Mobile City limits; thence along Mobile City limits east and north to south shoreline of Pinto Island; thence along said shoreline to midline of Tensaw River with the Blakely River (midline); thence south along midline of Blakely River to D'Olive Bay; thence south along shoreline (west side) to its junction with Intracoastal Waterway; continue east along Intracoastal Waterway (south side) to Florida line.

Because our area is now regulated by EPA, Corps of Engineers, AWIC, State Oil and Gas Board, Bureau of Fisheries, the United States Coast Guard, and others, we feel further regulation by the Coastal Board could be an unnecessary duplication of effort.

Therefore, we feel that the law should be repealed as it is not in the best interest of the taxpayers, workers and property owners of our area.

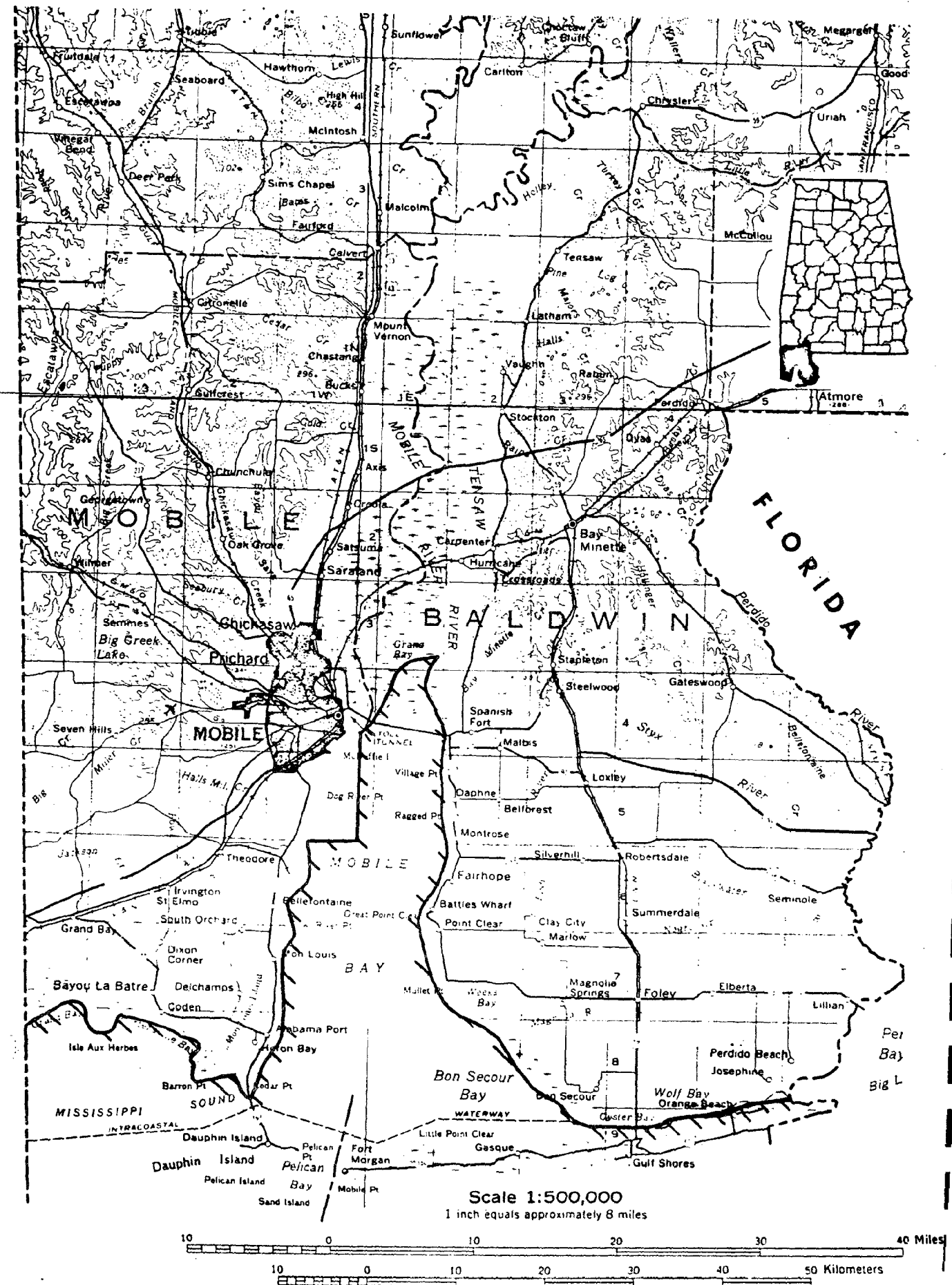
I would like to insert at this time that this is in no way to be construed as a reflection on any member of this Board. I think we have a good, sound Board with men of integrity appointed to it. I think we have been most fortunate. If we are going to have to have a Board, I think they did a good job in selecting its members.

The Board of Directors of the Mobile Area Chamber of Commerce is concerned with the Alabama Coastal Area Board's intention to define the boundaries for the coastal zone prior to developing and publishing a comprehensive program for the zone's administration.

In the meantime, if the preceding cannot be accomplished, then we recommend control of a lesser area, and respectfully request that the Board establish a zone consisting of the area as outlined in our definition.

Respectfully submitted,
William H. Holland, President

MISSISSIPPI



Verda Horne: I'm a member of a number of organizations, which have worked quite consistently to study both the federal law and the state law and to watch what was happening as the law began to be effective locally. Several of us have participated in those meetings to the extent that we even asked to be allowed to be present at the early meetings. We have certainly received courteous treatment by the Board all of the time.

I agree about the members of the Board. I am particularly happy about these meetings. I had no doubt that the citizens' participation meetings would happen when we found that Dr. Upham was on the Board. I don't know how much you know about the New England town meetings, but Dr. Upham grew up in New Hampshire, and they don't decide things up there at the federal level. They decide things at the local level. We are permitted to participate with local level comments on a law which was passed by our representatives in Congress, both Congressmen and Senators. Those laws are now on the books. It is up to us to see that they work in behalf of the people, whose activities they are going to affect for better or for worse, and we hope, for better.

It was, in essence, because of the lack of information on the part of the citizens that caused a group of us to get together. We took two days to read through the laws and thrash out what kinds of things we needed to be doing if the laws were to become effective. Out of that meeting grew another symposium which was held in September at Dauphin Island, during which we had participation from the members of the Board, federal agencies, several state agencies, staff members of the Board, and several others. Participation from the National Oceanic and Atmospheric Administration in Washington was Mr. Bob Knecht, who has been connected with the Office of Coastal Zone Management from its beginning. A good many other people were there including some from California where some of the more horrendous examples of both failure and success are apparent.

Out of that meeting, the Alabama members who participated in that conference said, "OK, what do we do next?" The consensus was that we would at least try to find a volunteer who would put together a proposal for a boundary which we thought we could live with. This was done after much consultation with all the organizations oriented towards conservation in the states. Soon after that, the three proposals that you have heard presented here tonight were made available to us and we looked at those also. Through the work of one of our members, Ms. Alicia Linzey, we came up with a fourth alternative. This is in your folder. It is blue and you can see what it says.

I am going to review considerably what has been given to me to read by the committee itself, because I labor under some handicaps with vision. I may not be able to read as well as I ought to. The organizations which are represented in this coalition include the Alabama Conservancy, Alabama Wildlife Federation, Mobile County Wildlife and Conservation Association, Save Our Bay Club, Birmingham Audubon Society, Mobile Bay Audubon Society, Chattahoochee Chapter of the Sierra Club which includes both Georgia and Alabama, Gulf Coast Regional Conservation Committee of the Sierra Club, and several other organizations.

Some of us belong to organizations whose constitutions preclude our becoming members of alliances, but do permit us joining together in a coalition for specific purposes. One of those is an organization which I represent for the State, which is the Alabama League of Women Voters. Most of you will recognize these organizations as representing a wide range of conservationist interests. They are composed of individuals who range from idealistic to pragmatic, I suppose. They include hunters and fishermen, business and community leaders, educators, scientists, and just plain citizens. Some organizations concurred, of course, wholeheartedly. Others debated a long time about each little seg-

ment of the boundary. They all participated finally in all parts of the planning, and then considered these proposals individually.

The National Coastal Zone Management Law, as you know, gives very little help regarding the requirement that the state define its coastal zone. Paraphrasing the language of the law, our own law says we must identify and include those shorelands that are being used in ways that have a direct and significant effect on coastal waters. Uses that have a direct and significant effect on coastal waters, now that is the criteria for choosing boundaries. Land use and development practices that result in erosion and siltation come to mind very quickly. Industries that discharge into coastal waters is obviously an example. Other examples are draining, filling, offshore and inshore area destruction. Included also in the federal law are (again, this is specific) those areas of particular natural value, such as river bottomlands. We have some of our own in the Tensaw-Mobile district, an area which has been listed in the National Registry of Natural Landmarks by the U.S. Department of the Interior. A state is permitted, however, to set wider boundaries than those meeting the minimum requirements of the law.

It has become apparent that many citizens have the impression that the coastal boundary is a preservation line, within which no development, agricultural or industrial, is permitted. This, of course, is not the case. The coastal area remains subject to the full spectrum of uses. Those uses, though, must be planned. In fact, it seems unlikely that permits will be required for uses that do not already have permits from some other agencies which already require permits, and they will not stop requiring permits for the coastal zone law, whatever way it goes.

The Alabama Coastal Area Board received federal funding for its initial year of operation on 30th June, 1974, not very long ago. It must have its management plan, which is in the second year now, approved by June 30, 1977. Very early, the Board had to adopt a preliminary or temporary boundary definition for use in applying for federal funding. For that boundary, they chose contour lines. That is topographical, sealevel or contour lines. Although boundaries based on those lines are valid and are used in some states, there are difficulties. Let me remind you that even if we chose three zones or three tiers of boundaries (suppose the 10 foot, 50 foot or 100 foot levels, which would affect a great deal of Baldwin County) they would leave untouched any kind of activity or use or development in Montrose, for instance, which shoots up 200 feet above the Bay, very close to the shoreline. The Coastal Area Board, of course, has to take into consideration this kind of development. Also, this surveyed area would be difficult to control or to manage. This, in fact, was why they went to census areas or boundary lines, which are more easily followed by already designated limits.

As we looked over these three plans, we found some deficiencies which we feel are significant. It is our conclusion that the proposals that have been made fall short of including enough of the coastal watersheds to control effectively the majority of uses that have a significant impact on coastal waters. Also, the use of census enumeration districts as boundary lines is convenient, but is meaningless in some cases. We conclude that also census boundary districts, though convenient enough, may not include those areas from which direct sewage outfalls are now being planned or may be planned in the future. Therefore, they do not control the pollution of the water. Neither would they control uses affecting two of south Alabama's most valuable recreational streams, the Escatawpa River in Mobile County and the Styx River in Baldwin County. Legislation

that would bring the Escatawpa River into the National Wild and Scenic River System is currently pending in Congress, and both the Escatawpa and Styx Rivers have been proposed by the State of Alabama as suitable for Wild, Scenic and Recreation River Systems in Alabama's comprehensive recreation program. This, of course, has already been published and is available to you. Again, the federal legislation outlines eight areas of particular concern. This is a quotation from the federal law, with the requirements that a state include any of these areas within its coastal zone, even though their uses may not directly affect coastal waters. Among these eight are two that I shall mention. The first is an area of unique natural habitat or scenic importance, and the second is areas of substantial recreational value or opportunities. Both of these, of course, are present in Baldwin County, not to mention Mobile County where also they may be found.

Many of us, no doubt, wish that the difficult choices would go away if we simply adopted the simplest of boundaries and let it go at that. It is clear however, that for the purposes of the federal law, we could not meet the requirements by adopting the boundaries proposed by our friends from Mobile. The boundary proposals will have to fit the federal law criteria, because the federal law was passed by individuals from every state in the Union. Many of these were hesitant at first and only belatedly joined with those who have coastal areas, because they saw no possibility of local protection or control doing anything about preserving our fisheries, our coastal areas, nor our waters which feed into those coastal areas.

We are in partial concurrence with the Coastal Area Board proposal that takes in the two county area (I think it was the first one), only if it is given the highest or primary level of management designation. As we go, however, to the upper part of Baldwin and Mobile Counties (I don't care which of the maps you look at in your book), you will remember that the northwest boundary of Baldwin County is the Alabama River. What we are really saying if we accept that two county boundary is that the waters of the Alabama River on the south side must be controlled by our Coastal Area Board, but this Board has no control over the north side of the river. I don't need to tell you that isn't the way water works. Surely, whatever activity or use is permitted on the northern boundary must also be permitted on the southern boundary. This, of course, is also true on the Tombigbee River.

Instead, we chose to propose the Alabama River up to the Claiborne Lock and Dam and the Tombigbee River up to the Jackson Dam be included in Alabama's coastal zone. Also included should be a corridor on each side and the lowlands between those two areas designated. The Alabama River and the Tombigbee River, including the land between them, have significant affects on the waters of the estuaries and bays and coastal rivers. Present and future plans for industrial uses in these areas, direct and indirect effects of the Tennessee-Tombigbee Waterway, proposed oil and gas activities and so on, all make it obvious that we must go farther upstream in order to exercise some degree of control over the future of the waters in our coastal area. The locks and dams on the Tombigbee and Alabama Rivers provide a feasible northern terminus of our coastal zone, not only because the tidal influence extends that far, but also because these sites provide a convenient identifiable boundary, an important point.

Furthermore, the area between the rivers is rich in archeological habitat and artifacts. The early Alabamians lived there. This gives significance as an

area of particular concern under the federal law. Specifically, it is an area which is defined by the federal law as being of historical significance and cultural value. We could extend these descriptions and these requirements, but we will not need to do so.

We are proposing, therefore, the entire area included in your map as a primary area. We have selected those identifiable, man-made and physical features which conform to natural systems and patterns of shoreland use that affect coastal waters, as well as those areas of particular concern which we have outlined as having been listed by the federal regulations.

We could add that we are not opposed to the concept of topographic elevation for differing areas. Those have essentially been abandoned, I believe, by the Board. However, the current Board position is to define the secondary zone as an area of no control and subject only to coordination with other state agencies. This is in contrast to their original definition of secondary, which calls for control over uses that affect the primary area, which in turn affect the coastal waters. We recognize that some areas within our boundary could reasonably be subject to a lesser level of control than is the primary zone. Under current definitions that the Board is using, we believe that is not possible.

I realize there are many people here tonight who would like to abandon the whole business of control altogether. Many wish they had never heard of the Coastal Zone Management Law. So much misunderstanding and lack of information is abundant that we believe it behooves all of us to study both laws and then attend these meetings and hearings. Go back and look again at what it is we want to come out of any kind of coastal management.

I might interpolate here to say that I feel there are some very serious problems around regarding fisheries. I was on a citizen's review board called by NOAA to look over the national fisheries plan. I was appalled by some of the problems that are being faced by commercial fishermen, as well as sports fishermen. I think we need both of them. I don't see any possibility of protecting them short of having some coastal zone management. We believe the same is true of the fishing industry as is true of the parks and recreation industry and the other industries that depend on the water and coastal resources.

The federal law demands proof of public participation. Our being here tonight proves that we have participated. It does not, however, demand that we do our homework and study the laws and help to implement them or to modify them as, indeed, we tried to do in the last Legislature. I hope we can do this in the next Legislative Session. I must say, as I touch this point, the one member of the Board who has not missed any of the Board meetings is our Baldwin County Representative, Bill McMillan. There were times when this Board could not meet, not because it hadn't scheduled a meeting, but because it did not have a quorum. Archie McMillan, or Bill as you know him, was there every single time. I would like us to see that more Baldwin County people are put on that Board. I don't know whether you helped any last time in the Legislature, but there are some Legislators in Baldwin County. I think they know very well we deserve more representation on that Board. It is those of us who are participating, who attend meetings, who read the law and look at what we have in front of us and behind us on this Gulf Coast, who can make it work or can break it. Thank you.

Stephen McMillan: Mr. Chairman, I am representing the Baldwin County Board of Realtors. Before I go into our recommended coastal area, I would like to make a statement as to what the realtor's policy is on planning and land use. Realtors

have always favored reasonable local controls on land use. Realtors believe and work for the free and unhampered use of land in the best interest of the public. The interests of our nation and its citizens require the highest and best distribution of land ownership and land use, creation of adequate housing, development of productive industries, development and maintenance of productive farms, preservation of healthful environment, and conservation of productive forest lands. Realtors believe in the principle of autonomy of local government and support reasonable, carefully planned actions that will improve the environment without introducing new and serious economic and social restrictions that, in effect, are more undesirable than the conditions they are designed to remedy. Control on environmental matters is necessary, but these areas must be clearly defined and limited so that the ultimate decisions lies with local government. The determination of what to do with the land of this nation must be left at the local level. I hope you will notice the continuous references you are going to hear throughout the night to satisfying the Federal Government, because we feel one of our major concerns about this whole coastal zone is that it is putting us on the road to federal land use.

The Baldwin County Board of Realtors recommends a primary coastal area which will include the area 200 feet inland of the mean highwater line of those waters adjacent to the shoreline, which contains a measurable quantity or percentage of seawater. I would like to briefly go over the positive aspects of the area that we recommend: (1) It is an easily determinable boundary and eliminates the need for costly on-the-ground survey. (2) It eliminates to a great degree possible controversy of some county property owners being included and others excluded from coastal zone management. It minimizes controversy when property on one side of a road or stream is in the coastal zone while that immediately across the road or stream is not included. (3) It keeps the management area to minimal size and thereby allows a small administrative staff to oversee the program and controlled areas already partially or totally controlled by State and County Health Departments, State Highway Department, Federal Housing Administration, Veterans Administration, Department of Housing and Urban Development, Environmental Protection Agency, State Water Improvement Commission, County Planning Commissions, County Commissions, County Building Inspection Departments, City Building Inspection Departments, City Planning Commissions, and the Corps of Engineers, just to name a few, and I could name a few others. (4) It eliminates potential interpretation of regulations which may lead toward no-growth policies in large areas. (5) It minimizes the possibility of Baldwin and Mobile Counties being put at a severe disadvantage in efforts to attract any type of new industry. I might add that 10% of the residents of Baldwin County have to commute out-of-county every day to work. (6) It minimizes the area of duplication with already existing local, state, and federal regulatory agencies and minimizes disputes and misunderstandings about which governmental agency has jurisdiction. (7) It permits the Alabama Coastal Area Board an opportunity to determine the ramifications of this agency in this Act, which if proven successful and beneficial, can be then expanded. I point out that we think there are too many unknown and too many unpredictable effects for any agency to fairly administer this law as it is currently written. (8) It protects transitional and intertidal areas, salt marshes, wetlands and beaches, which was the original intent of the Act. (9) It eliminates the use of man-made features in determining the coastal zone boundary. That is the end of our positive statement, and the only thing negative we can see about this is that it may or may not satisfy the requirements of the Federal Government.

I would like to make some recommendations to the members of the Legislature present and the Coastal Area Board: (1) The definition of regulated activity needs to be more specific. Under present definitions we question whether or not without a permit an individual homeowner could make an addition to his home or fence his yard, the owner of timberland could harvest his trees, a farmer could clear an existing fence row, or a city could clean out already existing drainage ditches, just to mention a few of the items which need further clarification. (2) Realtors support planning. However, the Coastal Zone Management Act creates not a planning agency, but another regulatory agency whose permit requirements duplicate for the most part, those of already existing agencies. (3) If we must have a Coastal Zone Management Board, we strongly recommend that its purpose and role be changed to that of a clearing house agency to assist an applicant in obtaining permits from the existing agencies to minimize harassment of free enterprise, aggravation of inflation, and duplication of red tape requirements. Thank you.

C. Thompson: To the Board and especially to our representative on the Board, the Honorable Bill McMillan, we are getting into something new which is land management. It is brought on by the Federal Act. I offer the following as President of the Baldwin County Wildlife and Conservation Association, and we have almost 1500 members. We have been given what might be three choices and they are very generous in their choices. This one apparently takes in less territory, and for an experiment here in Alabama, the least territory that they can take in would be helpful. If you don't have too much land, you can't make too many mistakes.

You will notice there are a number of reasons why they picture three different maps. I don't necessarily agree with them on the reasons. I just say that if they can make it any smaller, based on the law, it would seem to be the best thing. It would seem best if they could possibly reduce it to a degree. Coastal area means coastal water from reading the Alabama Act by Senator Dick Owen. It includes the adjacent shoreline and the waters therein and thereunder. It also includes transitional and intertidal areas and marshes and swamps and so on.

To the gentlemen of the Board, we feel that a two-point classification of primary and secondary would be the most reasonable approach. We urge the Board to set the primary area where saltwater stops, because this, basically, is for the protection of saltwater areas. The primary area should certainly not go further up the river than where the tide stops. If they can limit it to that, we can begin to live with what's there. I wouldn't worry too much if they put it from Highway 43 in Mobile County and Highway 225 in Baldwin County.

We have certain questions that have never been answered, and I ask the Board to consider them. The answers to those are involved in establishing what they are going to use. Final inland boundaries for program approval must be determined after a clearly defined and documented procedure which incorporates permissible uses. We haven't had a list of permissible uses. If the Board will keep that in mind and limit the permissible uses that we've been given to understand then if they limit the area accordingly, the expansion of uses can expand the area. It is a simple approach.

Going further into the explanation, coastal zone management, therefore, requires control to all uses. So it is clearly a matter of control for management purposes. It must be determined what is going to be controlled and locate them. That is the thing that we need for the Board to consider before they begin actually tying it down. If they are going to have to set the boundary first, we urge that they set it close to the water on both sides. Then, just

as this law by Senator Owen was passed and an amendment was prepared last year; an amendment will be prepared next year. The law can be changed to meet their requirements or to restrict the Board's actions, which I am sure they realize.

We don't need to take all of the counties in. Based on the information brought to us here tonight, we would urge a limited width of this coastal zone. Let us have a sample of the management and there may be benefits there that would be worth expanding the areas to include the entire counties and even the entire state. We need to see that first.

Now, we have one thing that I think will be of interest to the people here. That is the list of our Board members. First, there is the Director of the Alabama Development Office. Those who are in the real estate business should find some hope from that because this man's business is developing Alabama. Next, the wildlife people shouldn't have to worry with the Department of Conservation on their side. Also, the Director of the Alabama State Docks is a member of the Board. The bill that was to amend this did not get through. I think they were going to relieve Colonel Wheelis of that responsibility, because I don't think he has time. Also included are members from the Mobile City and Mobile County Commissions and a member from the Baldwin County Commission. It sort of looks like the people who wrote this act think that one of our commissioners (Baldwin County) is worth two of anybody else's, because they gave them twice as many members as they gave us. The State Geologist certainly would be a help and the Director of the Marine Environmental Sciences Consortium is certainly necessary.

I don't mean to take up too much of your time, Mr. Chairman, but if the Board will consider those suggestions that they've received and keep in mind that this is a beginning of something, they won't experiment with too large an area.

Michael Akridge: I am Mike Akridge and I represent the Alabama Power Company. Alabama Power Company appreciates the opportunity to comment on the proposed boundary for Alabama's Coastal Area. This is an area most vital to the continued growth of our state and the nation as a whole.

While the impact coastal zone management will have on Company operations cannot be judged until more detailed development of the administrative program is completed, one area of particular concern at this time is the effect any new regulations would have on the Company's planned steam electric generating facility to be located on the Tensaw River west of the Hurricane Community in Baldwin County. As presently proposed, all three of the boundaries would include the proposed site.

The growth of the Mobile-Baldwin County area has been tremendous in the past decade and growth projections for the next decade show a steady increase, with an accompanying increase in the demand for electrical service. Based on these determinations, the Barry and Chickasaw generating plants in Mobile County will not be able to meet the projected demand by the mid 1980's.

As a result of this growth and future demand determinations, Alabama Power Company began the search for a new plant site in southwest Alabama early in 1971. During 1972 and 1973 extensive preliminary site investigations were conducted in southwest Alabama to determine a suitable site for additional generating capacity. Factors to be considered in any site investigation include environmental matters, foundational stability, the adequacy of the water supply, available transportation corridors, and the proximity of the site to electrical load centers. These preliminary investigations indicated that among the several sites considered, this site had the best potential for meeting all the various requirements.

In January, 1974, public announcement was made of our intent to construct a new generating plant on the Hurricane site in Baldwin County. Land purchases began in mid 1974 and to date approximately 48% of the necessary property has been acquired, with land acquisitions continuing at this time.

This new plant will be constructed to conform to all applicable federal, state and local regulations, including air and water pollution control and solid waste management. This facility will be environmentally compatible with the area. Alabama Power Company will continue to work with the Coastal Area Board and the technical staff to comply with rules and regulations established by the Board governing developments within the selected boundary of the coastal area. We feel that the intent of Alabama Act is stated explicitly in Section 2 - State Policy and Section 6 - Development of a Program by the Board in addressing the energy needs of the coastal area. Section 2 declares that it is state policy "to assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of...utility plant sites, utility generation, transmission, distribution and transportation facilities: Section 6 further states that development of a comprehensive coastal area administration program shall include "provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy..." The Board is certainly cognizant of both the requirements stated in these two sections and the need for reliable, economical electric service in the coastal areas of Alabama.

In summary, we hope that the Board will develop and administer the coastal area program, including the establishment of the boundary, in such a manner that will not preclude the development by Alabama Power Company of this optimum site for the location of future electrical generating facilities which will be essential to the area's long-term economic and industrial growth. Thank you.

J. D. McCallister: Gentlemen of the Board and ladies and gentlemen, I come here before you tonight, not as a representative of any organization, civic minded group, major utility, or any other great or significant organization. I guess I'll have to stand out then. I represent that almost forgotten organization called the family, you know, husband, wife, and little children. I clean up the beaches where our sports fishermen throw their beer cans, because I have property on the beach. I see the damage that is being done, but I also see a few other things that I would like to point out tonight if I might.

First of all, I would like to give recognition to our League of Women Voters. They are certainly doing a very good part in bringing to our attention, along with television and the other media, some things about conservation practices, not only in this state but in many other states as well. I think these people are on the right course, but I'll have to take exception with Mrs. Horne's procedure tonight. I believe they are just a little bit in the over-developed vein. I would like for us to reflect on just a little bit of common sense, plain old everyday type reflections, if we might for just a couple of minutes.

Let's review the Federal Government's record in procedures or matters like this. We find federal subsidies in the schools and what do we find there. Well, I don't know what your experience has been, but I can tell you very briefly of one of mine. Glassbury's State Teachers College in the State of New Jersey, where we lived prior to coming to Alabama, was a fine college from what I understand until federal regulations, federal subsidies, and federal grants got in there. They had to lower the entrance exam requirements. They've finally

done away with that. That was too restrictive on certain parties. They finally got around to eliminating just about everything up to and including class attendance. I ask you what good was Glassbury's State Teachers College after that point?

We found some results in our own state, the Federal Government moving in and running things for us. Maybe we are a little slow in our local areas about getting down to the nitty-gritty of everyday living, but I think the Americal people, you and I, the people that work, the people that live in their homes, the people that run the little cities, should be able to get it done if we try.

How about another federal accomplishment, forced busing? Would anybody like to go with me to Boston tonight? I doubt it. I understand that city is in pretty much of a turmoil. Of course, I am using the medium of television as my source of information. I don't think I would like to be there.

How about another, the EPA? We've heard that there is a duplication of authority, permits, and so forth. EPA has put out regulations requiring certain standards for drinking water safety, which I'm not against, believe me. If I want to drink a glass of water, I would like to at least think that it's safe. The irony of it is, EPA has set forth these standards and they can't even give you a test, whereby you can determine whether or not you have met those standards.

You want to carry on some more? How about OSHA? Does anybody know about that animal. I saw the OSHA cowboy. I'm not sure he could play for the Dallas Cowboys, but he sure can play something--Federal Government. I might also add state government, to some degree, is noted for going from less control to more and more and more control.

Therefore, I contend that this Board should start out with the minimum standards or the minimum boundaries prescribed. I would like to see adopted the procedures the gentleman from the Chamber of Commerce in Mobile outlined. If we start out with something small and it turns out to be something worthwhile, then I am sure that we can increase the boundaries or increase the control. Have any of you ever had any trouble getting your children to take a second cone of ice cream? No! How about feeding them a persimmon? In other words, ladies and gentlemen, if it is good and worthwhile, it is going to be easy to increase it and make it even more worthwhile. Right? If it is a green persimmon, which we don't know at this point, then we won't have any problems determining that later, will we? Must we go to such full extremes as prescribed by some? I guess you are going to call me an extremist, and I don't mind. Must we go that far to start out with?

This State Act, Act 1274, which I hold a copy of here in my hand, seems to amount to almost a practical power of attorney over the lands which are yet to be determined and will be involved in this matter. If you are interested, check Sections 2 and 3 of it. You all have a copy of it.

I would like to ask you one other question. Baldwin County and Mobile County, both the counties that are involved in this matter are primarily what type of counties? Baldwin is primarily agricultural, isn't it? Mobile has some industry and some agriculture, and is primarily the city. Check with Section 3 G in this little article. Read it for yourselves. I have. I have to wonder if a farmer can get out there and plow his ground, because the way I understand it, if he plows the ground and turns under these weeds, he is in some manner or in some way destroying or materially harming the flora and fauna of that particular

area. I'm not saying this would be carried to that extent certainly, but it is in the law, isn't it?

Permits are another item and my final item. There have been no values set on what the permits will cost the individual and exactly how many and what nature he will have to receive or obtain. Isn't it quite possible that there are enough regulatory bodies throughout the entirety of this state and the United States? They should get their heads together and come up with a comprehensive program that would eliminate a lot of this duplication rather than having another form of it. I heard the proposal tonight that this particular committee be altered to become a clearing house committee, and I suggest, gentlemen, that is a very good idea. Certainly, if we could get all this information into one point, it would facilitate matters for the necessary permits. I believe that certain permits are necessary. I believe that we have to have some conservation, but let's avoid extremes. Thank you.

Dale Crittenden: Mr. Chairman and members of the Board, I'm Dale Crittenden and I represent the Baldwin County Home Builders Association. This is an organization which is part of the Alabama Home Builders Association and, in turn, a part of the National Association of Home Builders with approximately 75,000 members. Now I don't propose to represent those 75,000 members. I am authorized to speak only for the building industry of Baldwin County. I dare say what I will speak about tonight, but builders around the country, especially those from the thirty coastal states, are going to be directly affected by this coastal zone management. Most builders will substantially agree with what I have to say. Contrary to a lot of people's thinking, builders are people also. We like good environment and we like clean streams and big fish and pretty birds, and even vicious alligators. We think that the environments of these animals should be protected and cleaned up. I know that there has been positive action so far by combined state agencies, city agencies, and industry where substantial progress has been made in this direction before coastal zone management was ever created. You all know about Lake Erie. A few years ago, if you put your toe in it, your whole foot would fall off. Now the water is almost drinkable. There is a river in Cleveland, Ohio, that is no longer a fire hazard. This is a result of a cooperative effort on a local and state basis.

There is a real need for upgrading our environment, but we should contain the impact of the environmental law to that area specifically associated with the coastal waters. We should implement a program to defeat the idea, and as someone mentioned here, use common sense so that the cure isn't worse than the disease.

Let's look at cost. What is this going to cost? I'm speaking from the home builder's standpoint. I'm not even going to get into the increased taxes that it is going to cost to keep this organization afloat. Just look at what it is going to cost a home builder. In this Act, it says that any person who digs or excavates or moves dirt, flora, fauna, ore deposits or such things shall get a permit. I know there are a lot of people who say, "Well, that isn't enough. We really don't mean all the people. They are going to dig a post hole. This is not our intent to draw this area into our controls." Let me tell you about the intent in the government programs. This is in a different but closely aligned area of control. The Court of Appeals recently ruled the filing of a document to justify land for sale under the Interstate Land Sales Act, which in itself constitutes a major federal action, thereby requiring an environmental impact

study. The Interstate Land Sales Act was enacted and intended to protect potential purchasers from making bad investments on land, because they didn't have the proper information about the land. These land sales companies were taking advantage. This intent was terrific, but the result of this decision is that every land developer now has to prepare an environmental impact statement for what was previously considered private enterprise. This is in direct contradiction of the intent of the National Environmental Policy in 1969, which was enacted to insure environmental quality of federal activities with regard to development. So much for intent. Intent of law means nothing when it comes to the restrictions governing areas, restrictions where government areas of control are concerned.

Suppose this is going to take a building permit that is \$25. That doesn't seem like an earth shaking thing. But yet when we have to have publications in our newspapers for three weeks running. that is another \$25. Then we are going to have to get the names and addresses and all the other data from all the surrounding property owners. For this we've got to go to a title company and they will work a couple of days on it and charge a couple of hundred dollars. Then we have to get an engineer to do the surveying, get his chains out and take grade levels and high tide and low tide and all the other things. Even in a little thing, he will work a day at \$25 an hour. This is another \$200. Now we are at \$500. The highest estimate was \$5,000 if there are no complications. You are going to have to spend the minimum. at least, the way the law reads, if you are going to put in a driveway or dig a swimming pool or harvest some trees.

Assume we add this \$500 to the price of a house and assume this person is borrowing this money along with the rest of his mortgage at 9½% interest, which is the current rate for thirty years. This will cost that buyer \$1,483. Now suppose we go to the highest estimate of \$5 000. That will increase the cost of that home by \$15,138. If we split it in half. the medium \$2700. it is still going to cost him \$8100. Now, is there anybody in this room here who is willing to put up that kind of money to get a permit, a bunch of papers of dubious value?

Wait, that isn't all the cost. There is time involved in preparing and submitting and receiving approval of the application. This can take as much as six months or more. Now the state law provides for a 60 day waiting period for objections to an application plus ten days for a hearing and then public notice in local newspapers for three weeks running. That is a minimum of three months. That still isn't all. Then, under the Federal Act the state agency shall notify the federal agency that the state agency concurs or objects to the certification supplied by the applicant. If the state agency fails to furnish the required notification within six months after they have received certification, the federal agency will assume that the applicant is qualified. Then, and only then, will the federal agency issue a license or permit, I can hear them now. I've work with federal agencies for 15 to 18 years, and I can hear them now telling you why they couldn't meet the six months deadline. All the while the builder or developer is going broke and the home owner is living with his inlaws and letting all the contamination and fallout of the federal bureaucracy smother him. Where we need the cleanup is in the bureaucracy.

The medium price of a new home in 1965 was \$20,000 and in the second quarter of 1975, the medium price of a new home was \$39,000. Thanks goes, in a large part, to the inflationary policies and money mismanagement of the Federal Government generated to feed its swollen bureaucracy.

Must we create yet another monster and add to the cost of such a basic thing as shelter? If we must, and I'm not very optimistic about stopping it let's define and restrict its influence to that area directly adjacent to the coastal area. The Mobile Area Chamber of Commerce has spelled it out. The gentleman that was just here spelled it out. Let's keep the coastal management out of the interior of our counties. Leave that to the county land planning commissions, city commissions, county commissions, FHA, VA HUD. There are all kinds of agencies to take care of that. You know the housing industry has enough troubles right now, so let's not add to them. Thank you very much.

M. L. Aust: I'm in the engineering surveying business. Primarily, I do consulting engineering. I am also a citizen of Baldwin County. I am concerned about the management of our coastal zone. I am concerned that we should enhance our coastal zone, that we should preserve and protect it. I am also concerned about my constitutional rights.

I know these people on the Board are tired of hearing me say this. I am concerned about the public. I believe the public has too long stood back and said, "Well, we are just the public." You are not just the public. Section 306, Paragraph C-3 of the federal law, that is our Public Law 92-583 which you have a copy of, requires that in order for a management program submitted by a coastal state to be granted approval, the Secretary of Commerce or the Federal Government shall find that the state has held public hearings in the development of that management program. Section 308 requires that all public hearings shall be announced and all pertinent materials be made available to the public. It was reported in the December 14 edition of the Eastern Shore Courier that the Baldwin County Board of Realtors had a meeting with the technical staff of the Coastal Area Board. They stated that the public hearings now being held were for the purpose of informing and educating the public to insure that they have a voice in the development of the coastal zone boundary. The newspaper article further stated that the Board is placing major emphasis on working with an informed public. Those intents are to be applauded and the rights of the public to insist on being heard should be jealously guarded.

Within the federal law, Section 302, Congressional Findings, and Section 303, Declaration of Policy, these sections are precise in their explanation that it is necessary to preserve, protect, develop and, where possible, to enhance the resources of the nation's coastal zone for this and succeeding generations. These sections are likewise noble in their avowment that it is the national policy to encourage and assist the states in the accomplishment of that objective. One would think that the establishment of boundaries for the purpose of consideration of the management or regulation of the area would be of prime importance and one of the first steps in the development of that program. It makes sense that we should have an area in which we are going to regulate. The federal act so indicates that by placing such at the top of a list under Section 305-B, which is in the federal law, that you have a copy of. However, in the handout of the Office of Coastal Zone Management Boundary Principles and Acceptable Inland Boundaries on page 2, it states that final inland boundaries for program approval must be determined after a clearly outlined program, which incorporates permissible uses and areas of particular concern has been applied. The text goes on to state that by definition the coastal zone extends inland only to the extent necessary to control shores, the uses of which have a direct and

significant impact on the coastal waters. I question why we never heard that word only in all of these presentations and in all the times we have heard this definition repeated. We have never heard the word only. It logically follows that before a state can determine (I'm quoting again from the state act, too) management purposes, it must determine what uses are to be controlled and locate them. Permissible Land and Water Uses, which you also have a copy of, says nothing specific. It only outlines a procedure. It says this process is more thoroughly explained in the permissible uses paper which the Office of Coastal Zone Management is developing, apparently not yet developed.

I submit to you that we are at a public meeting, not a formal public hearing. The difference is that in a public meeting you can direct the progress or the discussion along specific lines. I believe that this boundary consideration is a little more important than that, or the whole thing is a little bit more important than that. I submit we are in a public meeting, not a formal public hearing, in order to hear and discuss one of the most important and conceivably far reaching aspects of the coastal zone management program. These boundaries, as presented here by the Board and all the other boundaries proposed during this series of meetings, are illconceived and in violation of the OCZM Boundary Principles just previously quoted. If they are not, then the public has certainly not been informed. As one man put it in Foley, "I don't necessarily mind you doing something to me, but I just want to know what it is you're going to do."

In line with that thought on public awareness and concern, let's look at a few of the things that the public is either poorly informed of or is not aware of or is misled. First, in the category of the misled, the very words in the title Coastal Zone lead the majority of the public to believe that it only affects that area immediately adjacent to the coast, such as the Town of Gulf Shores. As we have seen here, nothing could be farther from that truth. The average citizen commonly assumes that he will never be involved in any dredging activity. Man, he can't afford one of those things. A better word would be digging. Even the word excavating conjurs up visions of a huge, big old hole in the ground. I'm engaging in semantics here, but I believe there have been some semantics engaged in otherwise and also in detriment to the public.

As for ill informed, it has been publicly stated at one of the meetings by Mr. Gary Greenough, who is a member of this Board, that the Federal Government said that if we don't do it, they, the Federal Government, will do it for us. This is simply not true at this point, and nowhere in the Act does it say or imply that. I have been told that this sort of bureaucratic threatening has been done at other times and at other places, the desired affect being to have the recipient throw up his hands and say, "Well, there's nothing I can do about it." Well, you can roll over if you want to, but it makes me see red. We are continually being told in the defense of the federal involvement that the State of Alabama must approve the plan. What is not said is that the Secretary of Commerce or the Federal Government is the final approving authority.

Lastly, the public is certainly not aware of all the aspects and implications of the state and federal laws, nor is it, as a whole, going to take the time and trouble to make itself aware. If the Board is serious about public involvement, it is their duty to bring these facts to the floor. Some of the aspects of the program that the public should know are the Federal Government through the Secretary of Commerce shall approve the program only when it is in accordance

with his rules and regulations; any amendment to the program must be approved by the Secretary before additional grants are made the Secretary shall conduct a continuing review of the program and its performance. In other words, they shall continually run it and shall have the authority to terminate any financial assistance.

The overall intent of this Coastal Zone Management Act of 1972 is to promulgate, and otherwise put into effect, a federal land use program within the coastal zone. All you have to do to determine this is to read the Act and count the number of times that land use is referred to. You might also put that in the category of misled. We are going to clean up the waters, but yet we've got a land use program which I understand is why they say that. I first submitted to you that all boundary proposals presented in this series of meetings have not been in accordance with the evolved intent of the federal law to regulate only that area necessary to protect the coast and its contiguous shorelines, only after a determination of the uses to be controlled is made. On the other hand, those proposals which only call for a bare minimum of boundaries are not addressing themselves to the problem.

Those who have said that we should wait until the Federal Government does it for us are like an ostrich sticking his head in the sand. The presentation of the boundary choices generated by the Board are in themselves a violation of the principals advocated by the handouts. I refer to page 2 as previously quoted. The only real and valid argument for any of the boundaries presented is that they would be acceptable to the Federal Government. We have some words and we have some positive statements for them, but they are not significant. The only significant statement is that it would be acceptable to the Federal Government. We can get some boundaries and if we were to define what their uses are, then we can get some management. Put some better words on them than that.

I further submit to you that these unofficial public hearings are in violation of the intent of the federal requirement that public hearings be held, Section 306, C-3, in that sufficient notice was not given. These meetings have been held during the holiday season, when the public is least likely to attend or get involved and there has been inadequate information and education of the public presenting all aspects of the program. Its implication was not conducted prior to this series of meetings. Therefore, the public cannot be expected to be rationally involved. As a net result, we have seen conducted five hearings, spent a lot of money, yours and mine, raised everybody's blood pressure, and have really gotten nowhere closer to sitting down to any sort of rational solution to the problem.

Gentlemen, I say again we've got a problem, and we've got to come up with a rational solution. I simply say that federal money and federal involvement is not the answer. Your involvement as the public and doing it yourself is the answer. As a member of the public, I request that another series of meetings be held after it has been determined what uses are to be controlled, the affected areas have been located, and the manner in which they are to be controlled has been defined. I am assuming here that the more rational approach would be that some areas would be controlled differently from other areas, depending upon location and land use. For example, I can't see the logic in controlling a patch of piney woods three miles north of Bay Minette the same as you would control a patch of piney woods three hundred yards off the Gulf of Mexico. I don't believe that you could go three miles north of Bay Minette and tell any difference in appearance between a patch of piney woods there and a patch of piney woods three miles north of Columbus, Georgia. Why don't we just extend them (boundaries) to Columbus, Georgia, if that is what we are concerned about? During this subsequent series of meetings that I

am advocating, I would anticipate that a more rational input of public opinion, relative to the establishment of boundaries and to the whole implementation of the coastal zone management concept, would and could be made. Thank you.

A. B. Hankins, Jr.: Mr. Chairman and gentlemen of the Coastal Zone Commission, I'm Sonny Hankins, Chairman of the Board of County Commissioners here in Baldwin County. First off, I would like to say to the Board members here that you all are to be commended with the job that you were appointed to do.

The other day the County Commission was notified that in Washington, D.C., a seminar put on by the National Association of Counties, would hold a meeting for the coastal counties of the states in the United States. Commissioner Clarence Bishop, David Wood, the County Administrator, and myself attended that seminar in Washington. Mr. McMillan couldn't go because of the coastal zone meeting being held over on the Causeway.

I'm not like a lot of people that were up there. I didn't know anything about the coastal zone. I still don't know too much about it, but I do know that it has grave ramifications. I know that when I went on the Commission in 1973 when we were meeting with different government agencies about different things including land use, subdivision regulations and other things, we discussed it. By and by the word coastal zone would keep popping up. Someone would say not to worry about that, the coastal zone will take care of that later on. You don't have to worry about that. In a year or two the coastal zone will handle that problem for you. We learned a lot of things pertaining to the Coastal Zone Management Act. We learned in 1972 that the Federal Government, in the closing moments of a Congressional debate up there, passed the Coastal Zone Management Act, that allowed the states to appoint a Coastal Zone Management Board, whereby they could regulate the coastal zone. This law, as Mr. Aust has already stated, was purely permissible as far as the states were concerned. They could perform or they could come under this Act if they so desired. It was not mandatory. The law does not say a state shall have a Coastal Zone Board. It says it is permissible. I understand from a reliable source while we were up there that the reason the State of Alabama got involved was because the Governor and the Alabama Development Office, as all of you recall, were trying to get a superport out in the Gulf. The federal authorities told them at that time that the state must have a coastal zone management plan before they could qualify to get a superport.

We also learned that the intention of the Coastal Zone Management Act that was passed in Alabama was that the people in the area of the coastal zone would be the ones who would be represented on the Board. As all of you know, Baldwin County and Mobile County are the two counties that have a coastal zone in the State of Alabama. Baldwin County has over 70% of the coastline, and we have one member on the Board. The intention of the federal act was that the local people would be the ones acting the law.

I also thought, and I found out this was a misconception, that as a result of the hearings that were going on down here, local participation would be considered in designating the coastal zone. I have a copy here of the plan I believe that you all adopted. The Alabama Coastal Area Board Application Plan on page 22 says that the primary responsibility of the staff has been to see that the work program generally follows guidelines set out in the federal application, and that it is completed in an expeditious manner. In other words the Federal

Government is telling us that if we want to participate and if we want to have a coastal zone, they have funds to help us put together a coastal zone area and to help us implement our plan. However, we have to follow their federal guidelines that they hand out. Those guidelines include land use regulations, zoning regulations, and the right of condemnation. All of you know what the right of condemnation is.

We also learned that the coastal zone boundary line and the land use regulations that would take effect in the coastal zone boundaries should be worked or should progress along the same lines. After talking with Mr. Hyde here and reading in your plan of application, you all haven't gotten into the classifications of the land use regulations within the coastal zone. What I am saying in simple language is that we don't know yet what the Coastal Zone Management Board is going to require in the coastal zone area, but we do know that there are federal guidelines that have come down from the Federal Government that say you must have zoning regulations, land use regulations, and the right to condemn private property if the need arises.

I have here a copy of the North Carolina plan. I have only one that I picked up at the seminar. It is going to the Secretary of Commerce. By the way, there were thirty-four states represented and one hundred counties represented at this seminar. There was 98% in attendance of the coastal counties of the United States. In this plan, I believe, they used approximately a thousand yards inland from the coast as the boundary. This plan has not been approved by the Secretary of Commerce. My contention is this: I don't believe I'm so naive as to think that if this Board were to put together a plan that left out federal guidelines pertaining to national land use, zoning regulations and the right of this Board to condemn, the Secretary of Commerce would approve it. He would turn it down.

I also have a copy of the California plan. In its plan, the issue got so hot that when the Legislature met, they passed an act stating that when the California Coastal Zone Plan was put together, it would have to be submitted to the State Legislature. They would have to approve it before it would go to the Governor. Then it would be sent on to the Department of Commerce. We had commissioners on both sides at the seminar. There were commissioners from up in the northern part of California who were opposed to it and said it wouldn't pass. There were also commissioners from Los Angeles County, those industrial and highly populated areas, who favor the plan and said it would pass. I feel that we may have the cart ahead of the horse. We need to know what the federal guidelines are. We need to be aware of what the regulations are going to be before we set this plan.

At the same time we were attending this seminar, there was another seminar that we attended. It pertained to the outer continental shelf, that portion beyond the three mile limit out in the Gulf that belongs to the Federal Government as someone said here a while ago. Now, as I understand it and as the story was presented to us, in the event they drill an oil or gas well out there and it becomes productive (They gave us some figures on the production they believe is out there. Bay Haas, the County Commissioner from Mobile, was sitting by me and he had some figures on the Citronelle field. One well out there was equal to about five of Citronelle's production today and in the last thirty years, so you can see what kind of production they are talking about with 500 wells out there.), and they come ashore with a pipeline. Also needed will be all the necessary refining equipment and all of the storage facilities and all of the roads

and schools and the sewers and the water systems that are going to have to be there when all the people come in to do this. Then if this area is not in the coastal zone designated area, we can't qualify for the funds that the Federal Government says in an act that they are preparing to pass. They are going to have up to \$600 million for these areas in the event this takes place.

What I am getting back to say is this act is not on a voluntary basis. I am reminded of our flood insurance program. All of you are familiar with that. You developers and all of you people who live on the coast were told that it was purely voluntary. It started off that you could have it if you wanted it. If you didn't have it, then don't ask the government for it. Well, by and by, all of you know the story about that. They told us that if we didn't have it and if we didn't keep up the guidelines that the federal authorities, Veterans Administration, national banks, and savings and loan institutions handed out, all of these lending agencies wouldn't loan any money in those areas. Consequently what did we do? We all have a flood insurance program here in the county. This is not the time and place to discuss that, but what I am saying is this, that we learned up there the fact that we don't know where this is leading.

We've got the plan. This thing is already implemented. It is on its way. There is no way that we can get out of it, as I see it. I read in the paper somewhere last week that if we just kind of let it wither on the vine, Mr. Hyde, it will just go away. Well, now they didn't tell us that the other day in Washington.

What I think we need to do and what I have implemented since I have been back and after talking with Congressman Edwards is that we need to amend this act. We can get support from the National Association of Counties and there are people on Capitol Hill to lobby for us. We have asked the County's attorney to write an amendment and send it to Congressman Edwards. He will introduce it on the Floor to amend the Coastal Zone Management Act, whereby if a state has a coastal zone plan, then the people on the Board (with all due respect to this Board) shall be constituted of a majority from the coastal zone areas. In other words, this will insure the people in the coastal zone areas that they will have representation on the Board, which will set up a plan that you and I and all of us are going to have to live by.

I think that we have to have some type of system whereby we can control the abuses that the Federal Government has put on us. I have read these things, gentlemen, through and through and front to back. Nowhere in there does it respect the right of private ownership. It seems that has been totally left out. If we go a thousand yards inland, I don't think the Secretary of Commerce will buy that. I am reminded of some of the Tennessee-Tombigbee folks whenever they were promoting their story. With Chicago being a seaport town, maybe we ought to take in Illinois now. Let it be included since it's a coastal zone area. This is how ridiculous some of it can be. I know this may not be the place that we need to discuss it, but I think it is being misrepresented to make you think this input that you gentlemen and ladies have given here will help decide this thing, because it won't. What will decide where the coastal zone will be is what those federal guidelines say, which were handed down to this Board. That is what you all are going by, because if you don't go by it, the Secretary of Commerce is not going to approve it.

What we need to decide is how much the public wants to put into a program like this. One of the commissioners from California, in his final statement, said that in their plan they proposed \$2.4 billion to buy, through the right of condemnation if need be, all of the coast up and down California. They even had it

set out where they could pay \$300 million a year for the next thirty years to pay it off, and it would belong to the public. That is pretty good planning, but you and I are going to have to pay for it. How much of it are we going to be willing to pay for?

I think we need to also remember that this country was founded on the right or private ownership to buy land or to sell it. At the same time, I feel that private ownership has done a pretty good job of protecting some of our vital resources. We still have a few ducks left, a few fish, and some bears. I talked to a lady from Louisiana who was at the seminar, and she tells me they have a few alligators left. What I am saying is before you decide on a coastal zone boundary line, tell us what the federal guidelines are going to be and how much restriction and what the restrictions are so that we will have some kind of knowledge of what we are going to have to put up with. Because, you see, if it is going to be you and I and these people out here who are going to have to live with it.

Since I've been a County Commissioner, I've seen a lot of federal programs come and go, but for the public record, I'm going to tell you here tonight, ladies and gentlemen, that this is the worst piece of legislation that I've ever seen. It absolutely takes the right of private ownership away from everybody in the area they decide is a coastal zone. It is not just another regulatory agency. It goes far beyond that. It has every right that private ownership has plus anything else they might want to do in that area.

I want to remind you in closing of a story that you all know. It is the policy of the Federal Government to want to offer you a plan and say, "If you will do it like I want you to do it. I'm going to give you some money to go along with it." You all remember back in the 40's when they told us they had a few extra dollars up there and our schools needed a little money. We could just take the money and spend it on our schools, and they were not going to tell us what to do with it. Now you all know the moral of that story.

I'm here tonight to go on public record to say that you, the citizens of Baldwin and Mobile Counties, need to get up and get in motion to help provide the plan that these gentlemen are going to have to put together. If it is a plan that the Secretary of Commerce won't buy, then that may be the plan that we need to go along with, because it will be your plan. The only way we can do that is to have representation on this Board. I could care less if he is a Bay Minette bureaucrat or a Montgomery bureaucrat or a Washington bureaucrat. They are all bureaucrats as far as I'm concerned. Thank you.

George Kaiser: Chairman, members of the Commission, and ladies and gentlemen I'm George Kaiser, a farmer in Baldwin County. I'm a little tired and I guess you are too, but I became concerned about some of these programs including coastal zone management, land use, clean water and a lot of these other things, because I felt they concerned me as a landowner and farmer. I found out that I wasn't the only one concerned. I found out that my fellow farmers were also very much concerned in Baldwin County and in the State of Alabama. We have been discussing this among ourselves. I know you are tired and I would probably reiterate a lot of things that have already been said, so I am going to refrain from making any comments and stick with the script I have prepared. That way, I'll get through much quicker and you won't get quite so tired.

One of the major problems with land use planning is that most of us are not familiar enough with the concept. We have seen other forms of permit and regulation imposed by other agencies under circumstances where we have had the feeling that the motivation for the program was through well meaning but poorly informed individuals and groups acting on emotion, rather than firm, scientific or ecological data. We are here this evening to discuss the boundaries of an area which will delineate shore zone. This area, when designated, will be protected and developed according to some plan which will be established later.

I am certain that there is no one in this room who would argue against some plan which would protect the fragile ecosystem of shore and wetland or who would propose unlimited random growth of population and industry. We agree with the need to protect the historic and aesthetic qualities of this area. The farms and forests of the area will suffer first and foremost from any type of random development. However, it must follow that there is the potential for hurt in any regulatory or permit program, as well.

Some of Alabama's most unique and productive land lies within the areas we are discussing and which are proposed on your maps. Normal agricultural practices on these areas are already regulated by the Environmental Protection Agency under pesticide control, Water Pollution Control Act, Corps of Engineers, OSHA, State Department of Agriculture and Industry, State Health Department, Alabama Development Office and others. Through these watchful eyes, we feel that there is already sufficient protection for ecology of the shores and wetlands from any alleged degradations of agricultural and silvicultural practices. The farmers who opened and developed this unique agricultural resource contend that they must be allowed to continue to sustain production on the land. The economics of the state and nation depend on it.

Designations on the use or sale of land which would define one area agricultural, one commercial, one residential or industrial implies a value designation on that land which could restrict the landowner's ability to optimize the value of his investment. The farmer who has been steward of the land for generations must be able to manage his investment and receive compensation. A farm located in or near an area designated for another use would change in value more than one restricted to agricultural use or placed in an industrial area. We would suggest that it would require an extremely complicated system of designation and compensation to provide an equitable solution to this one question. The ultimate effect of our discussion here this evening is to establish a boundary and subsequent program which would influence land values.

It may be significant that in both the federal and state acts there is a conspicuous omission of any reference to agriculture or silviculture. Alabama Act 1274 has working definitions which are predicated on coastal area, coastal waters and estuary. We would first remind you of the definition of coastal area where the intent of the law clearly states that the area "extends inland from shorelines only to the extent necessary to control shorelands."

We contend that this represents legislative intent and may be in conflict with some of the proposed areas suggested by your maps. Further, we would take exception to the definition of estuary which is not compatible with that used in geological literature. We feel that "unimpaired connection with the open sea" could be used to extend the boundaries inland far beyond the intent of the law.

I am representing the citizen members of the Alabama Farm Bureau Federation, an organization of over 176,000 families whose delegates voted unanimously to seek solutions to land use questions which would have minimum impact on farm production and farm land and maximum input from local citizens in their establishment and implementation.

We, therefore, propose the 11.8 foot, 100 year flood contour as the ultimate reach of the zone. We also recommend that a citizen's commission be established which would base its membership on a land affected basis and that all decisions regarding the designation of land for specific use be submitted to this commission before its ultimate adoption. Further, we would appeal to the Board not to make any decision on the boundaries of the area without first assessing the resources that are involved.

Upham: I know that you have listened very patiently throughout many statements tonight. This is the most we've ever had at one of these meetings. We will not try to answer any questions. I'll stay here just as long as you do, but those of you who would like to go at this time, please feel free to do so. For those of you who have questions and would like to learn a little bit more about this, we'll be glad to answer any questions that we possibly can. You have one of these question cards in your folders if you want to ask a question.

James W. Reeder: Thank you, Mr. Chairman. Members of the Committee, ladies and gentlemen, I'm James W. Reeder, President of the Alabama Wildlife Federation, representing 17,000 people in the State of Alabama. I would like to pose a question to the gentleman as to just how we bypass obeying the requirements of the Federal Government when we already are using HEW funds, Corps of Engineers, federal highways, and food stamps. In just about every walk of life, the Federal Government is involved. We are involved with them in one way or the other. How do we get around this without complying with some of the things they set forth for us today?

In speaking to those who have referred to Mrs. Horne's statement as being far out, I would have to say that this is wrong. Mrs. Horne is only helping to comply with what the Federal Government requires of you Alabamians if we are going to be given the opportunity to draw the boundary line. This will be defined later as the coastal zone and will be managed by the people of Alabama. If we are narrow minded and sit on our behinds, then the Feds will do it for us.

The lines that we submitted tonight are not necessarily the ones that will be drawn or the ones that will be accepted by the Federal Government. This meeting means that we have complied with the requirements of holding the required public meetings. We are now ready to begin drawing lines if the Feds accept what we have done thus far. Thank you, sir.

Upham: There have been a number of statements on the acceptability of a line which doesn't take in as much territory as we have shown. Unless I am very much mistaken, I think the 100 year flood line is acceptable as far as the Federal Government is concerned. That is my own opinion. I don't know whether I'm right or not, but I will find out. I also would like to say that this is only one of the first of many meetings concerning what we hope to do as far as our plan goes. You, very definitely, will be involved. I must say that I am tremendously pleased that so many of you turned out tonight. We have so many different opinions. This is the way, as far as I'm concerned, government should work. The people should take part in it, and it should be their government.

Kenneth Cooper: What is this Board's next step after completion of these hearings for determining the coastal zone boundaries?

Upham: We are going to go over all of the hearings that we have had so far. We will try to determine what the public wants and come up with some kind of plan that

we hope will fit in with what most of you have said you would like to have. Then we will come back to you once again and say that this is what you wanted as far as we can determine. Are we right?

Pyme Ebenstein: May I make a short statement on something I don't think has been emphasized enough? In order to determine the boundaries, I think one of the things that we should consider more than anything else is preservation of the wetlands. I don't think most people realize that the wetlands and the marshes and the swamps are the breeding grounds, the nursery grounds, of sea life. We depend to a great extent on fish, crab and shrimp and so does the county and the rest of the world. We are going to become more and more dependent on food from the sea.

In connection with that, I would like to tell you that those precise areas of the wetlands are the most desirable for what is called development. To give you an example of how the real estate people feel about something that is on the water, we've just had an addition to our shoreline in Fairhope. There are apartments called condominiums. The ones that are right on the Bay where the windows look onto the Bay sell for \$54,000. The ones just a few hundred feet inland where the windows face the other way sell for \$27,000. So that is how the real estate people feel about water. They are going to drain swamps and buy up and develop these precious wetland areas if they can. The country simply cannot spare any more of the coastline. It has filled in more than \$70 of the original wetlands. Fish are getting more scarce to the point where the Russian boats are already fishing right off the shores of Long Island. This is now becoming an important issue in Washington--national security, because food is our greatest weapon.

John Richburg: How will coastal zone management be affected by Section 404, Regulations of the Corps of Engineers? That is the Clean Air and Water Act.

Hyde: I'm sorry, but I can't give you a specific answer to that, because I am not familiar with Section 404 of the Corps of Engineers Regulations right off the top of my head. I do know this: The Corps of Engineers from the national level has put out a policy statement stating they will cooperate in everything they do with the coastal zone management planning activities. I assume that coastal zone management and Section 404 Regulations would be compatible.

Bob Willis: Why has the news media not been informed formally that this and other meetings were to be held?

Hyde: This is a question that came up last week, too. Mr. Cody answered it by saying that we had informed 17 local newspapers, weeklies and dailies. We sent news releases to all the radio stations in Baldwin and Mobile Counties and also as far as Biloxi, Mississippi, and Pensacola, Florida. As far as we know and as far as we were able to determine through the Public Relations Office of the Alabama Development Office, we contacted every radio station and every newspaper about each one of these meetings. If you didn't get the word maybe we can blame another federal program, the U.S. Post Office. That is the only answer I have to that question.

John Dixon: I don't know how many of these folks have had the occasion to seek a permit to dredge in navigable waters. I had the occasion to seek such a permit. It took me from April 22 until September 16 in a given year to obtain a permit to dredge an area 50 feet wide and 75 feet long to a depth of 12 feet. Now when this coastal zone management goes into effect, from what I can gather, there will be an additional eleven agencies which must be contacted. There is a catch-all phrase in the law which says if the other agencies say you can have the permit, then you may go ahead. Let's suppose a man owns a piece of property,

a residential block or lot on the water and he wants to build a five foot pier. He's going to have to follow the same channels as the Alabama Power Company if it wants to put up a steam generating plant on the Tensaw River. Is this the case in this thing?

Upham: I don't think that will happen.

John Dixon: You don't think so, but I didn't think that I would have any trouble with it either.

Upham: I realize, and I think a lot of people realize, that this permitting business is very difficult.

Name not known: I waited two years on a pier permit.

Upham: I think the suggestion that was made tonight about a clearing house has come up before. We have brought it up ourselves at the Coastal Area Board meetings to try to get some kind of a clearing house where you can go to one place and find out all about what you've got to do. I think this is a very good idea.

John Dixon: Don't think that will ever happen to tell you the truth.

Upham: Well, I hope it does. I know that there is some very serious consideration going on between the federal agencies to try and come up with some means of cutting down the time that is required on the permits.

Name not known: Some mention has been made of the property values involved in this, and it happens that I own waterfront property. I know another gentleman who owns a great deal of property on the waterfront. Since the advent of environmental protection agencies, the property values in this particular area have dropped better than 60%. I'm not saying that I'm not going to give up the property if that's necessary to preserve the environment, but if I'm to give it up, why not everyone else? Why don't they just go through a procedure of eminent domain and take the whole blooming lot and relocate us somewhere. I have to have some decisions pretty soon, because I've invested about half my life in this mess. I don't feel like falling back now and waiting another 10 or 15 years while we resolve the problems over this bureaucratic nonsense to come up with an answer to satisfy the needs of the moment.

Upham: The Coastal Area Board is in no position for these kinds of questions. I realize this is going on. All you have said is going to be published, so your statement is going to be made public.

Name not known: We came here expecting a decision on boundaries. Now everything points to the fact that this is not related to boundary establishment. As such, will this meeting be considered the final say?

Upham: No, entirely not. This is a preliminary meeting for our own good as well as yours. We found out an awful lot from these hearings, and it has given us a good idea of what we should do. We really appreciate it.

Name not known: Do you intend to hold further meetings?

Upham: We intend to hold many further hearings on everything concerning coastal zone management.

Name not known: May I suggest that you publicize these future meetings through all of the news media including the television?

Upham: We will if they will.

Name not known: I surely hope so, because the only time we picked this up was strictly by accident.

Upham: Well, that's too bad, because we have really tried to hit the news media just as much as we possibly could. We have contacted all the newspapers, radio stations and television stations. Are there any other questions?

Name not known: I was kind of interested in a statement that was made about this law and many of our other laws. I feel it is getting to the point where it is discouraging men from owning property. When I own something personally, I like to have control of it and do what I want to with it, drill a hole in it, burn it, or get rid of it. You get to the point where you have spent your own money, and then you can't do what you want with it. That, to me, gets very upsetting.

Upham: Well, it upsets me, too. I happen to own land on the waterfront. I can't even sell it.

Name not known: That to me is more important than where the zone is placed. What are we going to do with the people?

Upham: We are getting away from what we are trying to do here and at every one of these meetings. People, I think, have been thinking about these things for quite some time, and this is the first chance they have had in a public meeting to get up and speak their mind. This may be a good thing. We may be doing something that is going to help.

A. B. Hankins, Jr.: Mr. Chairman, I would like to ask when you take up the business of your land use after you decide the coastal boundary line, will you have public meetings to take up this segment of it?

Upham: I think we will probably have public meetings on each one of the work systems that we have to do.

A. B. Hankins, Jr.: At that time, would it be appropriate?

Upham: That would be the time. Of course, every time we have a meeting we have a few more people that know a little more about what we are trying to do and what coastal zone management means. They are going to keep their eyes open, I hope, from now on. We've got their names and we are going to send them things. We may succeed, but I don't know.

Mrs. Duncan Naylor: I just wanted to show you something that came out of the newspaper on coastal zone management. This was in the Mobile Register on Sunday, November 15, giving an outline of all the meetings. I heard it on the radio, too. I've seen it in the newspapers, and I've seen lots of television news about it. I think that you have let the people know about these meetings.

Ella Taylor: I would like to know just how the coastal bouncary is going to affect our roads in our state. There are quite a few people right here tonight who work on the highways and the country roads. How is this going to affect them, when you can't move dirt from one place to the other? Can you answer that?

Upham: It's not going to affect it at all.

Charles Partin: Does the Board have a target date to establish boundary lines?

Upham: No

Wesley Grant: If the Federal Government is interested in this, why is federal land exempted from the program? I noticed that you cannot include federal land in this program.

Upham: This is mostly defense land.

Wesley Grant: Not all. The public parks could be included. I don't see why they exempt their property from us when they are advocating coastal zone management.

Upham: Well, I don't know exactly why they do either. I never asked them that particular question. I will tell you something that I think is very important. Of all our coastline that we have in the United States, and we have an awful lot, only 6% is open to the public. We haven't got much more left to save.

Bob Willis: Several people have mentioned the fact that we only have one representative from Baldwin County. I haven't heard yet who initially decided who would be on the Board or the number that would be on this Board. Why was only one Baldwin County representative included when you have a County Commissioner from Mobile County and also a City Commissioner from the City of Mobile? There are no representatives from Gulf Shores nor from the Eastern Shore on the Board. Yet there is a representative from the City of Mobile on the Board.

Upham: This was set up by the Legislature. Then the Governor appointed the Board. This amendment that was mentioned earlier and has been brought up two or three times is specifically designed to get more people on the Board from Baldwin County.

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